



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

AGENDA **LAKE MINNETONKA CONSERVATION DISTRICT** **Wednesday, November 9, 2022** **Wayzata City Hall** **600 Rice Street, Wayzata, MN 55391**

PUBLIC PARTICIPATION

Those attending the meeting, please complete the attendance sheet. Those desiring to participate in the meeting should complete the *Public Comment Form* at the meeting if the online [Public Comment Form](#) was not submitted. The Chair may choose to reorder the agenda for a specific agenda item if it would benefit the needs of those in attendance. Please see *Public Comments* Section for more information.

WORK SESSION AGENDA

The purpose of the Work Session is to allow staff to seek input from the Board and for the Board to discuss matters in greater detail than generally available at the formal Board Session. The Board may give staff direction or express a preference but does not formally vote on matters during Work Sessions. While all meetings of the Board are open to the public, Work Session discussions are generally limited to the Board, staff, and designated representatives. Work Sessions are not videotaped. The work session may be continued after the formal meeting, time permitting.

- No Work Session- Meeting Starts at 7:00 p.m.

FORMAL MEETING AGENDA **7:00 p.m.**

The purpose of the Formal Session is to allow the Board to conduct public hearings and to consider and take formal action on matters coming before the LMCD.

- 1) **CALL TO ORDER**
- 2) **PLEDGE OF ALLEGIANCE**
- 3) **ROLL CALL**
- 4) **APPROVAL OF AGENDA**
- 5) **CHAIR ANNOUNCEMENTS**
- 6) **APPROVAL OF MINUTES (10/26/2022 LMCD Regular Board Meeting)**

7) APPROVAL OF CONSENT AGENDA

- A) Audit of Vouchers (11/01/2022 – 11/15/2022)
- B) Resolution Accepting Save the Lake Contributions (10/12/2022 – 11/01/2022)
- C) Approval of Variance for Adjusted Dock Use Area and Setbacks, 135 Mound Avenue, Tonka Bay, Gideons Bay

8) RECOGNITIONS

- 9) PUBLIC COMMENTS** – *Provides an opportunity for the public to address the board on items that are not on the agenda. Public comments are limited to 5 minutes and should not be used to make personal attacks or to air personality grievances. Please direct all comments to the Board Chair. The Board generally will not engage in public discussion, respond to or correct statements from the public, or act on items not on the agenda. The Board may ask for clarifications or direct staff to report back on items at future meetings.*

10) PUBLIC HEARING

- A) New Residential Multiple Dock License, 540 Big Island, Orono; Lower Lake South-Continued from October 26, 2022 Board Meeting

11) OTHER BUSINESS

12) OLD BUSINESS

13) NEW BUSINESS

- A. 2023 Employee Compensation Adjustment
- B. Appointment of Nominating Committee
- C. 2023 Public Meetings Calendar

14) TREASURER REPORT

15) EXECUTIVE DIRECTOR UPDATE

16) STANDING LMCD COMMITTEE UPDATE

- Aquatic Invasive Species
- Communications
- Finance
- Operations
- Save the Lake

17) ADJOURNMENT

Future Items for Review – Tentative

- Discussion Regarding Potential Low Water Conditions Spring 2023
- Watercraft for Hire- Additional Review of Berthing Requirements
- Deicing Operation License Eligibility Expansion Discussion
- Code Change for Qualified Commercial Marina

LAKE MINNETONKA CONSERVATION DISTRICT

BOARD OF DIRECTORS

7:00 P.M., October 26, 2022

Wayzata City Hall

1. CALL TO ORDER

Chair Thomas called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Ben Brandt, Mound; Gabriel Jabbour, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Thomas Tully, Environmental Administrative Technician.

Members absent: Dan Baasen, Wayzata.

Persons in Audience: Kurt Wehrmann, Dennis Nelson, Kathleen Mallery.

4. APPROVAL OF AGENDA

MOTION: Cook moved, Hoelscher seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Chair Thomas recognized Jabbour for receiving a "leadership and service" award from the North American Lake Management Society. He recognized Jabbour's contributions to the lake, the community at large, and the nation.

He also thanked Hoelscher who chaired the last two Board meetings in his absence.

6. APPROVAL OF MINUTES- 09/14/2022 LMCD Regular Board Meeting

Anderson noted on page four, the third paragraph should state, "~~...the policy~~ all commercial marinas on the lake." In the same paragraph, it should state, "...could be a problem but frankly he did not see anything he looked at that talks about an opt-in, not a single reference; so, it was either a blanket across the board and all special density licenses were extinguished."

Gilchrist stated that he did not recall the exact language and was concerned that it would be seemed to suggest that this would solidify something being in the Code rather than replying to comments. He stated that the Code is not written in that manner.

MOTION: Anderson moved, Cook seconded to approve the amendment to the 09/14/2022 LMCD Regular Board Meeting minutes.

VOTE: Ayes (9), Abstained (4), (Klohs, Thomas, Zorn, and Kroll). Motion carried.

MOTION: Kroll moved; Walesch seconded to approve the 09/14/2022 LMCD Regular Board Meeting minutes as amended.

VOTE: Ayes (12), Abstained (1), (Thomas). Motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Anderson moved; Walesch seconded to amend the voucher list by removing the payment to North Shore Marina.

Further discussion: Anderson commented that he does not want to be paid before his licenses are reinstated and would like it all to happen at the same time.

VOTE: Motion carried unanimously. Motion carried.

MOTION: Cook moved; Kroll seconded to approve the consent agenda as revised. Items so approved included: **7A)** Audit of Vouchers (09/16/2022 – 09/30/2022), (10/01/2022 – 10/15/2022), (10/16/2022 – 10/31/2022); and **7B)** Resolution Accepting Save the Lake Contributions (09/08/2022 – 09/22/2022).

VOTE: Motion carried unanimously.

8. RECOGNITIONS

Thomas acknowledged the recently made contributions to Save the Lake.

9. PUBLIC COMMENTS- Persons in attendance, subjects not on the agenda (limited to 5 minutes)

Kurt Werhmann, 444, West Lake Street in Excelsior, asked the status of his court case related to his complaint against the property at 450 West Lake Street. He stated that he started this process two years ago and his issue is less important than others and he is not getting any answers. He stated that he sent four emails this year and received an email from a staff member stating that they are checking on the status of the court case and would get back to him. He asked if the case has gone to litigation.

Kroll thanked the resident for keeping him in the loop on this matter. He asked if the case is in the criminal process and whether they are limited on what could be said.

Schleunig stated that this case is in the hands of the prosecutor and therefore they cannot make public comment. She stated that when the case gets into the formal complaint process, it is a lengthy process, and they are still processing items from 2021. She stated that the courts are not putting the same priority on these types of cases versus robberies and other violent crimes.

Thomas stated that the Board is completely out of the process once it enters litigation.

Schleunig stated that the property owner at 450 West Lake Street has been notified. She stated that typically people understand the importance of protecting the lake and cooperate. It is in prosecution and therefore additional information cannot be made public.

Jabbour commented that this property is next to his as well. He asked if the prosecutor is taking action.

Schleunig stated that action is being taken which triggered a response to the Director from the person being prosecuted and then staff. She commented on the slow time process because of the slowdown in the courts after the shutdowns from COVID.

Anderson asked if there could be an update from the prosecutor on different cases, he is managing to keep people informed.

Thomas commented that once a case enters the court system, he believes that the Board should not be involved.

Anderson commented that it would be great to have a Board update on the general cases. The board received an update recently on a case.

Schleunig stated it would take substantial time to track all the cases, but that she does attempt to include updates in her Board updates on some of the cases that might be of interest.

10. PUBLIC HEARING

A) Variance for Adjusted Dock Use Area and Setbacks, 135 Mound Avenue, Tonka Bay, Gideons Bay

Tully presented a variance application for the property at 135 Mound Avenue on Gideons Bay in Tonka Bay. He provided a highlight of recent history related to this property, adjacent properties, and watercraft storage on the sites between LMCD staff, City of Tonka Bay staff, City legal counsel and the applicant. He noted that both the city and applicant agree to the variance to resolve the longstanding issues. He provided background information on the requested variance which would allow the applicant to use a portion of the fire lane shoreline towards dock length and side setbacks. He reviewed both the original submittal and application option request and provided a comparison between the two. He reviewed the variance standards to be considered and noted that no comments were received from other public agencies outside of the support from the City of Tonka Bay. He provided recommendations that should be considered should the Board choose to approve the variance.

Klohs asked if the city articulated what it means by “riparian purposes may change in the future.”

Tully replied that currently many people use the fire lane for access via paddleboard, canoes, etc. They would want to ensure that area remains accessible for those purposes as well as the purpose of the applicant.

Schleuning stated that the city currently designates the fire lane for launching of things without trailer and do not have an intention to change that, although that could change in the future.

Klohs asked if the city would be foregoing a dock structure.

Schleuning confirmed that the city is consenting to this dock structure in the fire lane. She noted that this process will formally address concerns that have been ongoing for many years. She stated that LMCD staff, the applicant, city staff, and city legal counsel have all been involved and everyone is on the same page.

Klohs stated that it would appear the property owner would be moving forward with this as permanent.

Schleuning commented that is not correct. She stated that the city is consenting to this use at this time but could change their mind in the future.

Gilchrist commented that the city is consenting to occupancy of a part of its dock use area but is not relinquishing that in perpetuity. He stated that the city could tell the homeowner to vacate the fire lane area in the future.

Kirkwood commented that these are two willing partners proposing this use. He was surprised that the city is as amenable as it is.

Jabbour commented that the city declined to allow the use of its perceived riparian right and therefore it would be the responsibility of the Board to determine lot line extension. He commented that currently the city is okay with this, but the applicant would still have the right to request a lot line extension in the future to have a dock. He commented that they must also think about practicality.

Schleuning stated that this provides some assurance for the property owner partly because of turnover of city staff and has been an issue over the years.

Zorn commented that the existing dock would be the original proposal and then there was an amended proposal. She asked if the existing dock would be considered grandfathered in.

Tully replied that the dock structure has existed for some time but there have been some changes over time such as increase in size.

Zorn asked if eliminating a boat lift would eliminate the need for a variance.

Schleuning stated that it would be challenging to meet setbacks with 38 feet of shoreline and converging lot lines.

Zorn asked if there have been other similar shaped lots that have had supported requests.

Schleuning confirmed that there have been issues of converging lot lines, but this is unique in that there is a fire lane which would allow additional space. She noted that each request must be considered on its own merit.

Thomas stated that the narrative from the applicant provided another example that was approved earlier this year which was similar.

Newell commented that this includes a few different dock configurations and stated that it would help to have an overlay comparing the two.

Walesch asked if the extended lot lines would place this on the applicant's property or whether the variance would still be needed.

Tully identified the extended lot lines and provided more explanation.

Walesch stated that it is clear there is a practical difficulty with the converging lot lines and the city approves, therefore the question would be whether to allow the canopy.

Hoelscher asked if the city had a preference on the options.

Tully replied that the city did not have input on that and left that to the Board.

Schleuning stated that the applicant currently has the cover with the boat lift, which is the original option. The second option would be to remove the boat lift and install a canopy.

Thomas invited the applicant to address the Board.

Dennis Nelson, 135 Mound Avenue, applicant, stated that he has lived in the home for 33 years and has learned some things over the years. He believed that his dock shared riparian rights of abutting easements and properties which his submissions have detailed and hoped that the Board would agree. He provided a brief history on the property, the vacation of roadway that occurred and the recognition that the fire lane provides public access. He also provided a history of docks for his property going back to the 1970s. He stated that his dock is not built in the fire lane but shares riparian rights with it. He noted that the dock was reviewed by the LMCD 21 years ago and led him to believe the dock placement was reasonable after removal of the canopy. He noted that the LMCD and city of Tonka Bay have allowed reasonable sharing of fire lanes in other similar instances. He explained the option of a

boat house canopy as water levels needed for the existing boat lift with automatic cover are in question.

Anderson asked if this would be the same setup that was previously approved in Tonka Bay.

Nelson replied that this would be less than what was approved in that case.

Anderson commented that the Board recently approved a canopy that was ten feet from the property line with opposition from the neighbor.

Jabbour commented that if there is a top without sides that is not a canopy. He stated that you cannot apply neighborhood examples to the next city. He stated that Tonka Bay is recognizing the use of their riparian rights in fire lanes for their marina.

Schleuning commented that this fire lane shoreline measurement is not used for the City's marina. She commented that each case must be reviewed individually. She stated that the reason for a longer distance is to allow for public access. She commented that staff believes this to be a reasonable combined use at this time.

Walesch commented on the difference between a full canopy and one side open in terms of the setback.

Schleuning commented that beyond 50 feet you still need a setback of 15 feet versus 20 feet for a canopy.

Thomas opened the public hearing at 8:10 p.m.

Kathleen Mallory, 145 Mound, commented that she fully supports the request. She noted that Nelson is an amazing steward of the lake who often rakes lake weeds and cleans up the fire lane dock use area. She commented that she appreciates him as a neighbor.

No additional comments were offered, and the public hearing was closed at 8:12 p.m.

MOTION: Jabbour moved; Kroll seconded to direct LMCD legal counsel to prepare Findings of Fact and Order approving the variance application for option one or two from Dennis G. Nelson and Barbara Franta for the property located at 135 Mound Avenue in Tonka Bay for final approval at the November 9th, 2022, LMCD Board meeting.

Further discussion: Gilchrist asked and received confirmation that the motion would allow the applicant to choose either option one or two.

VOTE: Motion carried unanimously.

B) New Multiple Dock License, 540 Big Island, Orono; Lower Lake South – Continued to November 9, 2022

Thomas stated that the applicant has requested this to be continued and therefore this will be considered at the November 9th meeting.

Schleuning stated that this has been delayed because of applicant requests as they are not in the country.

11. OTHER BUSINESS

There was no other business.

12. OLD BUSINESS

There was no old business.

13. NEW BUSINESS

A) Authorization of Draft RFP and Materials for Civil Attorney Legal Services

Thomas stated that Gilchrist has provided a letter that Kennedy and Graven will provide services through November 29th, 2022, but the LMCD will need to find new counsel after that time. He commented that Gilchrist has served the LMCD very well and will be missed. He stated that Schleuning provided a draft RFP which would need to be approved or amended to move forward. He noted that he had a few grammatical changes that he will provide to staff.

MOTION: Hoelscher moved; Cook seconded to approve the draft RFP for civil attorney legal services.

VOTE: Motion carried unanimously.

Thomas commented that there will be a selection committee composed of the four officers and two additional Board members. He welcomed volunteers that would like to assist in reviewing applications.

Klohs, Cook, and Jabbour volunteered.

B) LMCD 2023 Employee Benefits Package

Thomas stated that there was a 5.0 percent increase in the health insurance premiums and a 3.5 percent increase in the dental insurance.

Anderson commented last year he asked which option was preferred and asked that question to staff again.

Schleuning commented that she was hoping to have comparison information from other cities, but this is still a good option, noting that it is a similar plan, but the deductible was raised. She stated that they were fortunate not to have the same increases that some other entities have experienced. She stated that option one is similar to what the employees currently have with a minimal increase in price and increase in deductible. She stated that a family coverage option has been added but was unsure if anyone would choose that option.

MOTION: Anderson moved, Thomas seconded to approve the employee benefit package as recommended with the employer paying \$883 per month for single coverage and up to \$1,450 per month for family coverage and continuing other portions of the benefits package.

VOTE: Motion carried unanimously.

C) Draft Letter to Cities 2023 LMCD Board Member Appointments

Schleuning commented that the Board typically reviews and approves the letter prior to staff sending it.

Zorn noted an edit to page three regarding spelling of her name.

MOTION: Cook moved; Jabbour seconded to authorize staff to send the draft letter to the cities for 2023 LMCD Board member appointments.

VOTE: Motion carried unanimously.

Jabbour asked if the Board should ask Water Patrol if they have any new business since they had staff in the audience.

Thomas stated that he asked the water patrol and there was no interest in making a presentation today.

Schleuning commented that the check for \$84,000 to Water Patrol for the dedicated summer deputies was included in the audit of vouchers that was approved tonight. She commented that the past few years have been challenging with increased use of the lake during COVID and noted that Water Patrol has done an excellent job, and especially helpful given some of the LMCD staffing shortages.

14. TREASURER REPORT

Anderson had nothing further to report.

15. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Solar lights have been removed

- Buoys are in the process of being removed
- Low water discussion – water levels are the lowest in 10 years. The board may want to have a discussion to consider how to address low water conditions before spring if the conditions do not change. There are some operational and supply challenges for dock installers when installing or removing docks when lake water levels are low. These issues are beyond the typical navigation and access concerns from boaters.
- Update on two recent permit issuances
- MN DNR is offering grants for "No Child Left Inside" to promote activities to connect children with the environment.
- Zebra mussels found in Smith and Rabbit lakes
- Winter rules brochure will be updated

16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: Brandt reported that the group has not met recently but payments have been processed for the treatments that were approved.

Jabbour commented that the University of Minnesota study that was based on his property received good data and will be analyzing that over the next year.

Newell commented that he also heard that Jeff Marr tested a wide variety of boats.

Communications: Hoelscher reported that the committee met the previous week and will meet again in December. Staff collaborates with the consultant to get out the fall newsletter and winter rules. They also worked with LMCC to prepare a video of the distance buoys to develop educational material for the spring.

Finance: No report.

Operations: Zorn reported that the group met prior to this meeting and there will be additional language added to the multiple dock license renewal form to reflect language discussed related to commercial marinas and amenities. She stated that there is a vacancy on the committee and extended an invitation to the Board to participate on the committee.

Save the Lake: No report.

Jabbour asked why the previous meeting was canceled.

Thomas replied that the meeting was canceled as there were no urgent items of business so that allowed staff to work on other items.

Jabbour commented that he is planning to fly in for most of the winter meetings and would not want to fly in to find a canceled meeting. He suggested that staff ask the Board at least one week before the meeting regarding their plans to attend so that meetings can be cancelled way in advance if needed.

17. ADJOURNMENT

Being there no further business, the meeting adjourned at 8:47 p.m.

Gregg Thomas, Chair

Dan Baasen, Secretary

2:41 PM
11/02/22

Lake Minnetonka Conservation District
Check Detail
November 1 - 15, 2022

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
11/10/2022	EFT-22-117	ADP Service Fee		Alerus Checking		
			Payroll 11/1/22 - 11/15/22	4180M10 · Professional Service...	Admin.	-89.62
TOTAL						-89.62
11/10/2022	EFT-22-118	Unum Life Insurance		Alerus Checking		
			Long Term Disability - November 2022	2020-LT · Payroll Liabilities - UN...	Admin.	-169.92
TOTAL						-169.92
11/01/2022	EFT-22-119	WEX Health, Inc.		Alerus Checking		
			HSA Contribution November 2022 (Schleuning)	4380M10 · Employee Benefits - ...	Admin.	-116.67
			HSA Contribution November 2022 (Tully)	4380M10 · Employee Benefits - ...	Admin.	-116.67
			HSA Contribution November 2022 (Duncan)	4380M10 · Employee Benefits - ...	Admin.	-116.67
TOTAL						-350.01
11/15/2022	EFT-22-120	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-9,486.31
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,322.14
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-708.29
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin F...	Admin.	-722.48
			Long Term Disability	2020-LT · Payroll Liabilities - UN...	Admin.	84.96
TOTAL						-9,509.98
11/10/2022	EFT-22-121	P.E.R.A		Alerus Checking		
			Payroll 11/1/22 - 11/15/22	2020 · Payroll Liabilities -	Admin.	-1,322.14
TOTAL						-1,322.14
11/01/2022	22244	Freshwater Scientific Services, LLC		Alerus Checking		
11/01/2022	Harrison		Harrison Bay	4181M30 · Prof. Services	AIS	-1,137.50
TOTAL						-1,137.50

2:41 PM
11/02/22

Lake Minnetonka Conservation District
Check Detail
November 1 - 15, 2022

Date	Num	Name	Memo	Account	Class	Paid Amount
11/10/2022	22245	AIS Advanced Imaging Solutions		Alerus Checking		
11/10/2022	Inv.#485844...		10/20/22 - 11/20/22 (Copier Contract, Less Refund for...	4140M10 · Office Equipment R&...	Admin.	-392.20
TOTAL						-392.20
11/10/2022	22246	AIS Advanced Imaging Solutions (Suppli...		Alerus Checking		
11/10/2022	Inv.#INV288...		Staples for Konica Copier	4140M10 · Office Equipment R&...	Admin.	-73.12
TOTAL						-73.12
11/10/2022	22247	ECM Publishers, Inc.		Alerus Checking		
11/10/2022	Inv.#915599...		Laker Pioneer - PH Nelson Variance	4110M10 · Public Info Legal Fee...	Admin.	-37.13
			Sun Sailor - PH Nelson Variance	4110M10 · Public Info Legal Fee...	Admin.	-57.60
TOTAL						-94.73
11/10/2022	22248	Kennedy & Graven		Alerus Checking		
11/10/2022	September ...		Legal Fees September 2022	4620M10 · Civil Legal Fees - Ad...	Admin.	-3,127.80
TOTAL						-3,127.80
11/10/2022	22249	NCPERS Group Life Insurance		Alerus Checking		
11/01/2022	November 2...		Life Insurance, November 2022	4380M10 · Employee Benefits - ...	Admin.	-48.00
TOTAL						-48.00
11/10/2022	22250	Steven M. Tallen Attorney At Law		Alerus Checking		
11/10/2022	October 2022		Prosecution Cost October 2022	4640M10 · Prosecution Legal Fe...	Admin.	-3,257.53
TOTAL						-3,257.53
11/10/2022	22251	TimeSaver Off Site Secretarial, Inc.		Alerus Checking		
11/10/2022	Inv.#M27722		Board Minutes 10/26/22	4230M10 · Meeting Exp. - Admin.	Admin.	-227.00
TOTAL						-227.00

ITEM 7B



RESOLUTION 246

A RESOLUTION ACCEPTING CONTRIBUTION(S) TO THE LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)

WHEREAS, the LMCD is a regional government agency established by Minnesota Statutes Section 103B.605, Subd. 1; and

WHEREAS, contributions to the LMCD "Save the Lake" fund are generally tax deductible to individuals under the IRS Code 26 USC Section 170 (b)(1)(a) because contributions to any political subdivision of any state for exclusively public purposes are deductible; and

WHEREAS, municipalities are generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its stakeholders, and is specifically authorized to accept gifts; and

WHEREAS, LMCD wishes to follow similar requirements as established for municipalities for accepting donations; and

WHEREAS, the attached listed person(s) and entity(ies) have offered to contribute the cash amount(s) set forth with any terms or conditions as outlined in Attachment I to the LMCD; and

WHEREAS, such contribution(s) have been contributed to the LMCD for the benefit of the public, as allowed by law; and

WHEREAS, the LMCD Board of Directors finds that it is appropriate to accept the contribution(s) offered.

NOW THEREFORE, BE IT RESOLVED BY THE LMCD BOARD, STATE OF MINNESOTA AS FOLLOWS:

1. The contribution(s) described with Attachment I is/are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.

2. The executive director is hereby directed to issue receipt(s) acknowledging the LMCD's receipt of the contributor's contribution(s).

Adopted by the Board this 9th day of November 2022.

ATTEST:

Gregg Thomas, Chair

Dan Baasen, Secretary

DRAFT

Lake Minnetonka Conservation District
Transaction Detail By Account
October 12 through November 1, 2022

Resolution #245 Attachment 1 - Save the Lake Contribution

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Contributions				
3001M20 - Donations (General) - S/L				
10/12/2022	7830	Jane Barry	STL Donation (General)	500.00
11/01/2022	4714	Denny Newell	STL Donation (General)	500.00
11/01/2022	PayPal	Marilyn Nelson	Transfer from PayPal (200.00)	193.73
Total 3001M20 - Donations (General) - S/L				1,193.73



ITEM 7C

LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: November 9, 2022 (Prepared November 3, 2022)

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director

CC: Thomas Tully, Environmental Administrative Technician

SUBJECT: Variance for Adjusted Dock Use Area and Setback, 135 Mound Ave, Tonka Bay

ACTION

Board approval of Findings of Fact and Order for a variance for an adjusted dock use area and side setbacks for 135 Mound Ave on Gideons Bay in the City of Tonka Bay (PID 28-117-23-43-0054)

BACKGROUND

The LMCD held a public hearing on October 26, 2022 to consider the application of Dennis G. Nelson and Barbara Franta ("Applicants") for a variance at 135 Mound Ave on Gideons Bay in the City of Tonka Bay (PID 28-117-23-43-0054) for an adjusted dock use area and side setbacks.

On October 26, 2022, the LMCD Board voted to have legal counsel and staff draft Findings of Fact and Order for approval of the variance request with conditions. The draft Findings of Fact and Order is attached, as well as the memo and presentations from the hearing.

BUDGET

N/A

STRATEGIC PRIORITIES

<input type="checkbox"/> Operational Effectiveness	<input type="checkbox"/> Clear & Timely Communications	<input type="checkbox"/> Effective Governance	<input checked="" type="checkbox"/> Lake Protection	<input type="checkbox"/> Other
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ATTACHMENTS

1. Findings of Fact and Order
2. Board Memo of July 27, 2022 without attachments
3. Original Proposed Site Plan

Type: Variance for Adjusted Dock Use Area and Side Setback
Date: November 9, 2022
Applicant: Dennis G. Nelson and Barbara A. Franta
PIDs: 28-117-23-43-0054
Addresses: 135 Mound Ave
Tonka Bay, MN 55331

**LAKE MINNETONKA CONSERVATION DISTRICT
HENNEPIN COUNTY, MINNESOTA**

IN RE:

Application of Dennis G. Nelson and Barbara A. Franta for Variance for Adjusted Dock Use Area and Side Setbacks for the property located at 135 Mound Avenue, Tonka Bay, MN

**FINDINGS OF FACT
AND ORDER**

The Lake Minnetonka Conservation District (“LMCD”) received an application from Dennis G. Nelson and Barbara A. Franta (collectively, the “Applicant”) for a variance for an adjusted dock use area from the side setback requirements to allow Applicant to install a dock that crosses the northern side site line of the property into the authorized dock use area of the City of Tonka Bay (“City”) with the City’s permission. This application applies to the property located at 135 Mound Avenue within Tonka Bay, Minnesota and which is legally described in the attached Exhibit A (“Subject Property”). The LMCD Board of Directors (“Board”) held a public hearing, after due notice having been provided, on the requested variances on October 26, 2022. Based on the proceedings and the record of this matter, the Board hereby makes the following Findings of Fact and Order:

FINDINGS OF FACT

The Subject Property is located in the City of Tonka Bay (“City”) and is on Gideon Bay, which is part of Lake Minnetonka (“Lake”). The unusual configuration of the Subject Property results in the side site lines of the dock use areas to converge, narrowing the respective dock use areas. The Applicant is seeking adjustment to the dock use area and side setback variances to accommodate a dock and boat storage to allow Applicant to have reasonable use of the Lake.

1. The Subject Property is adjacent to a City fire lane dedicated to the public by plat. There have been persistent issues between the owners of the Subject Property and the City regarding docks on the Subject Property and access to the Lake through the fire lane. A dock has existed on the Subject Property for many years with some changes in configuration.

2. LMCD staff has met with the Applicant and representatives of the City regarding options for fire lane use and dock configuration and placement. The current dock does not meet the standard LMCD Code requirements and encroaches into the City fire lane. The Applicant and City agree to a variance approach which shares the shoreline of the Subject Property and the City fire lane to allow Applicant to have a dock at the Subject Property that complies with configuration set out in this Order in order to resolve long-standing concerns.
3. The Applicant are proposing two options. One is to maintain the current location with: 10.1 feet to 10.8 feet side setback as it extends into the Lake on the southern side; 43.8 to 29.5 feet side setback as it extends into the Lake on the northern side; 1 boat storage unit ("BSU") with a boat lift 14.2 feet wide to 40 feet long; 1 BSU boat lift 8.25 feet wide by 17 feet long on the northern side of dock structure; and dock length of 78 feet ("Current Location"). The second option is a shortened width dock with: 11.8 to 12.5 feet side setback as it extends into the Lake on the southern side; 43.8 to 29.5 feet side setback as it extends into the Lake on the northern side; 1 BSU with a canopy 12.5 feet wide by 40 feet long; 1 BSU boat lift 8.25 feet wide by 17 feet long on the northern side of the dock structure; and dock length 78 feet ("Optional Location").
4. The Subject Property has approximately 38 feet of 929.4 OHW shoreline. The adjacent City fire lane has 58 feet of 929.4 feet OHW shoreline.
5. Section 2-3.03 of the LMCD Code of Ordinances ("Code") requires side setbacks of 15 feet for docks 50-100 feet in length.
6. Any canopy at the proposed dock structure must have a 20-foot setback as required by the Code.
7. For the Applicant's independent shoreline measurement, the Code permits a maximum length to allow access to four feet of water depth as measured from 929.4 feet OHW, but no more than 60 feet in length. With the combined shoreline measurement of 96 feet, the maximum length would be 96 feet if all the shorelines were dedicated to the Applicant and not also dedicated for the City's public use.
8. No comments were received from the Minnesota DNR or the Minnehaha Creek Watershed District. The Tonka Bay City Council has approved the Applicant's proposal. No public comments were received prior to the hearing. At the hearing, a neighbor spoke in favor of the Applicant's request.
9. Based on amount of shoreline, parcel age, and other property characteristics, the number of watercraft proposed does not violate the maximum watercraft density as described in Sections 2-4.05 and 2-4.09 of the Code.
10. The Applicant proposes to install a dock structure as shown on the site plan attached hereto as Exhibit B ("Site Plan") or as altered for the Optional Location discussed above (Exhibit C).

11. Additional information regarding this matter is provided in the LMCD staff report and presentation presented at the October 26, 2022, meeting (collectively, the “Staff Report”). The Staff Report is incorporated herein by reference, except that the approvals and conditions contained in this document shall be controlling to the extent there are any inconsistencies.
12. Section 6-5.01, Subd. 2 of the Code, allows for the granting of variances where there is any unusual configuration of shoreline or extended lot lines, which causes a conflict between the owners of two or more adjacent or nearby sites as the use of the same area of the Lake for docks, mooring areas, or other structures or for reasonable access thereto.
13. Section 6-5.01, Subd. 6 of the Code allows the granting of a variance if the Board determines practical difficulties exists and that granting the variance with whatever conditions it deems are necessary does not adversely affect the purposes of the Code, the public health, safety, and welfare, and reasonable access to or use of the Lake by the public or riparian owners.
14. The term “practical difficulties” is defined in Section 1-3.01, Subd. 76 of the Code as meaning “one or more unique conditions of a property that prevent the property owner from using the Lake in a reasonable manner permitted by the Code and that serve as a basis for the property owner to request a variance from the strict application of the provisions of the Code. Practical difficulties only exist with respect to a particular property if the conditions preventing the proposed reasonable use of the property are unique to the property, were not created by the property owner, and are not based solely on economic considerations.”
15. Unusual configurations of shorelines and converging side site lines are challenges for a number of properties on the Lake. Often in such cases, as is true here, the conditions do not reasonably allow a dock to be installed that strictly complies with the requirements of the Code. In such cases, it is reasonable for the Board to consider a variance request to provide reasonable access to the Lake by riparian owners. Though in attempting to provide such access the impacts to the neighboring riparian owners must also be considered. Here, the City is in agreement with the Applicant’s proposed dock structure and location.
16. The LMCD understands some members of the public may use the City’s fire lane as a walk-in access to the Lake or to fish. However, the City has not constructed a dock and has not otherwise undertaken a use of the riparian rights associated with the fire lane that are interfered with by the Applicant’s dock, which has extended into the authorized dock use area of the fire lane for several years.
17. Granting the requested variance will not alter the essential character of the area or adversely affect the purposes of the Code as dock structures are common and the use of the proposed dock structure furthers the purposes of the Code by promoting reasonable access to the Lake. The requested variance is also not contrary to the public health, safety, or welfare in that the dock does not pose a safety or navigation problem on the Lake. The proposed dock structure does not interfere with the navigation of watercraft to or from the neighboring docks.
18. The Applicant’s proposed location of the dock, with the City’s consent, to facilitate access to the Lake is a reasonable use of the Subject Property.

19. Practical difficulties exist under the facts of this case that support the Board exercising its authority under Section 6-5.01 of the Code to grant the requested adjusted dock use area and side setback variance for the Subject Property.

ORDER

ON THE BASIS OF THE FOREGOING AND THE RECORD OF THIS MATTER, IT IS ORDERED by the Board as follows:

1. Side Site Line Variance. Side site line and authorized dock use area variance is hereby approved to allow the installation of a dock structure with the setback for the southern site line setback 10.1 feet to 10.8 feet, or as altered for the Optional Location with a setback of 11.8 feet to 12.5 feet. The northern side site line as it extends across the City's fire lane to the north shall have setbacks of 43.8 feet to 29.5 feet as shown on the Site Plan attached hereto as Exhibit B or optional Exhibit C, respectively. The dock structure shall be installed and maintained in the location as shown on the Site Plan attached hereto as Exhibit B or as altered for the Optional Location Exhibit C.
2. Updated Site Plan. Applicant must submit an updated site plan with the final configuration and measurements as approved by the LMCD within forty-five (45) days of acceptance.
3. Boat Storage Units. Two boat storage units are approved for the Subject Properties to be used solely by persons who reside at the Subject Property.
4. Boat Canopies. A boat canopy is allowed if the Applicant place the dock structure in the Optional Location.
5. Dock Length. The length of the dock structure and storage should be no longer than proposed 78 feet from the 929.4 feet OHW since water levels appear sufficient during normal 929.4 feet NGVD OHW.
6. Conditions. The variance granted in this Order is subject to compliance with all of the following conditions:
 - (a) All watercraft must be stored within the BSU structure(s).
 - (b) Watercraft stored in boat slips may not extend beyond the length of the slip. Prohibited extensions include any portion of the watercraft, including all attached equipment in its stored position that extend beyond the ends of the dock or boat slip.
 - (c) Any structures placed as part of these variances shall be maintained in good condition and shall promptly be removed, together with any watercraft stored on them, if this variance is ever revoked by action of the Board or if it is rendered null and void.
 - (d) This Order shall be rendered null and void in event the Subject Property is subdivided.

- (e) If the Subject Property is combined with another property, the Applicant shall request a review of the variance by the LMCD Executive Director to determine if a new or amended variance is required. If the Executive Director determines that a new or amended variance is required, the Applicant shall submit an application for the variance to the LMCD within forty-five (45) days of the determination or bring the Subject Properties into conformance with the Code without reliance on this variance within the same period.
- (f) This Order grants no vested rights to the use of the Lake. Use of the Lake shall at all times remain subject to regulation by the LMCD to ensure the public of reasonable and equitable access to the Lake.
- (g) If the City ever elects to more fully exercise its riparian rights associated with the fire lane and withdraws its consent because it determines the Applicant's dock interferes with its proposed use, the Applicant will be required to yield to the superior riparian rights held by the public in the authorized dock use area of the fire lane. *McLafferty v. St. Aubin*, 500 N.W.2d 165, 168 (Minn. App. 1993). If consent is ever withdrawn, the Applicant, or any future owner, is encouraged to work with the City to identify a solution that will work for both parties and to submit an application seeking whatever approvals from the LMCD that may be required to facilitate the agreed upon plan.
- (h) Utilization of the Lake pursuant to this Order constitutes, and shall be deemed, acceptance of, and agreement to, the terms and conditions of this variance without exception, qualification, or reservation.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation District this 9th day of November 2022.

ATTEST:

Gregg Thomas, Chair

Dan Baasen, Secretary

EXHIBIT A
Legal Description of Subject Property

Lot 6, that part of adjoining vacated Mound Avenue and that part of adjoining vacated Lafayette Avenue, Slocum's Rearrangement of Manitou Forest all described as beginning at the intersection of the extension Westerly of the Southerly line of said Lot 6 with a line drawn parallel with and 20 feet Westerly from the Westerly line of said Lot 6; thence Northerly parallel with the Westerly line of said Lot 6 to an intersection with the extension West of the North line of said Lot 6; thence East along the last mentioned extension and along the North line of said Lot 6 and its extension to the shore of Lake Minnetonka; thence Southerly along said shore to its intersection with the extension Easterly of the Southerly line of said Lot 6; thence Westerly to the point of beginning.

EXHIBIT B
Site Plan Original

[attached hereto]

DRAFT

EXHIBIT C
Site Plan Optional

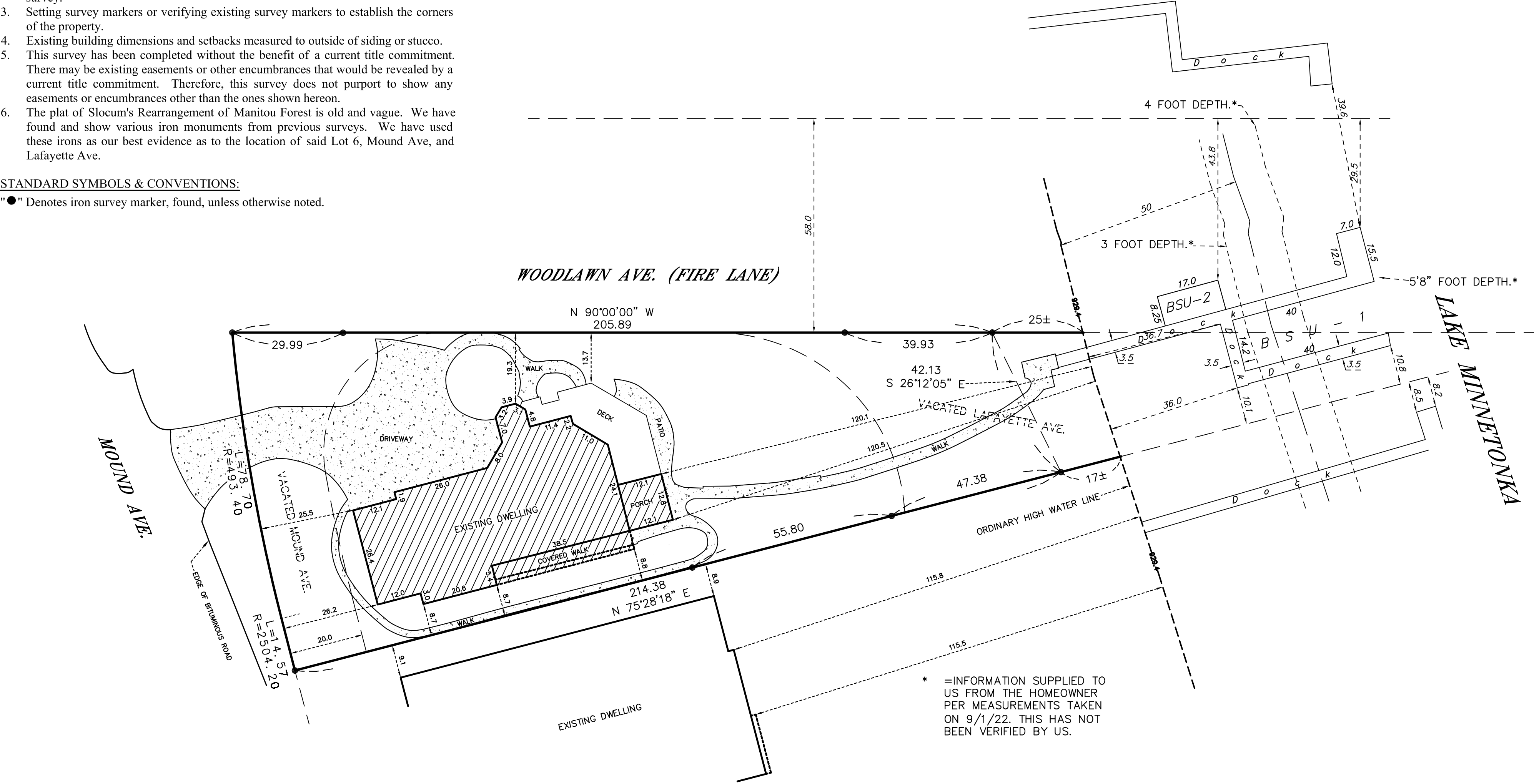
[attached hereto]

DRAFT

LEGAL DESCRIPTION:
Lot 6, that part of adjoining vacated Mound Avenue and that part of adjoining vacated Lafayette Avenue, Slocum's Rearrangement of Manitou Forest all described as beginning at the intersection of the extension Westerly of the Southerly line of said Lot 6 with a line drawn parallel with and 20 feet Westerly from the Westerly line of said Lot 6; thence Northerly parallel with the Westerly line of said Lot 6 to an intersection with the extension West of the North line of said Lot 6; thence East along the last mentioned extension and along the North line of said Lot 6 and its extension to the shore of Lake Minnetonka; thence Southerly along said shore to its intersection with the extension Easterly of the Southerly line of said Lot 6; thence Westerly to the point of beginning.

- SCOPE OF WORK & LIMITATIONS:**
- 1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
 - 2. Showing the location of observed existing improvements we deem necessary for the survey.
 - 3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
 - 4. Existing building dimensions and setbacks measured to outside of siding or stucco.
 - 5. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
 - 6. The plat of Slocum's Rearrangement of Manitou Forest is old and vague. We have found and show various iron monuments from previous surveys. We have used these irons as our best evidence as to the location of said Lot 6, Mound Ave, and Lafayette Ave.

STANDARD SYMBOLS & CONVENTIONS:
"●" Denotes iron survey marker, found, unless otherwise noted.



DATE	REVISION DESCRIPTION	DWG ORIENTATION	SCALE	CLIENT/JOB ADDRESS		DATE SURVEYED:	SHEET TITLE	SHEET NO.
9/8/22	ADD DOCKS ONLY. NO OTHER UPDATES SHOWN, IF THERE ARE ANY, FROM 2017		1"=40'	DENNIS NELSON 135 MOUND AVE. TONKA BAY, MN	<div>Advance Surveying & Engineering, Co.</div> <div>17917 Highway No. 7 Minnetonka, Minnesota 55345 Phone (952) 474-7964 Web: www.advsur.com</div>	MARCH 28, 2017	EXISTING SURVEY	S1
						DATE DRAFTED:	SHEET SIZE: 17 X 22	
						APRIL 5, 2017	DRAWING NUMBER	
							221646 TB	

I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Wayne W. Preugs
#43503
LICENSE NO.
APRIL 5, 2017
DATE

SHEET 1 OF 1



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: October 26, 2022 (Prepared October 21, 2022)

TO: LMCD Board of Directors

FROM: Thomas Tully, Environmental Administrative Technician

CC: Vickie Schleuning, Executive Director

SUBJECT: Variance for Adjusted Dock Use Area and Side Setback, 135 Mound Avenue, Tonka Bay

ACTION

Board consideration of a variance for an adjusted dock use area including side setbacks for 135 Mound Avenue on Gideon Bay in the City of Tonka Bay (PID 28-117-23-43-0054) and receive public input during the public hearing.

The following motions are offered depending on whether the Board wishes to approve or deny the request:

Approval

I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order approving the variance application from Dennis G. Nelson and Barbra Franta for the property located at 135 Mound Avenue in Tonka Bay for final approval at the November 9, 2022, LMCD Board meeting <subject to the following conditions>...

Denial

I make a motion to direct LMCD legal counsel to prepare Findings of Fact and Order denying the variance application from Dennis G. Nelson and Barbra Franta for the property located at 135 Mound Avenue in Tonka Bay for a final vote at the November 9, 2022, LMCD Board meeting based on...

APPLICATION SUMMARY

The applicant, Dennis G. Nelson and Barbra Franta, ("Applicant") has submitted an application for a variance to adjust the dock use area including side setbacks for 135 Mound Ave in Tonka Bay; ("Site"). The Applicant's parcel has approximately 38 feet of 929.4 feet OHW shoreline. The request includes sharing of the shoreline and dock use area of the adjacent City of Tonka Bay fire lane. The variance application was submitted in an effort to resolve concerns over the years between the Applicant and City of Tonka Bay.

Site Background

The Applicants current dock does not meet the standard LMCD Code requirements. A dock has existed at this location for many years, with some reconfiguration. The Applicant's parcel has

approximately 38 feet of 929.4 feet OHW shoreline with lot lines that converge. The adjacent fire lane to the north has 58 feet of 929.4 feet OHW shoreline. This variance would allow for sharing the shoreline between both sites for consideration of the proposed dock structure at 135 Mound Avenue, while maintaining the current public access to the lake from the fire lane. This fire lane shoreline measurement is not used as part of the calculation for boat density for the City of Tonka Bay municipal dock license.

The Applicant site has 38 feet of 929.4 feet OHW shoreline. The length of the dock is 78 feet, the total width of the dock structure is 33.2 feet, and two Boat Storage Units (BSUs) are proposed. The LMCD Code allows properties that were in existence on or before February 2, 1970 with a shoreline less than 40 feet to extend dock structure out to four (4) feet of water depth or a maximum of 60 feet into the lake, whatever is achieved first. The LMCD Code also allows a 5 foot side setback without a canopy. However, for purposes of the review, the code analysis will be based on the option to share the City of Tonka Bay fire lane with a shoreline measurement up to 96 feet.

After meeting with the Applicant and City representatives, the Applicant wishes for the Board to consider the original submittal that is attached and an additional option. The applicant is requesting that:

1. the current dock structure be allowed to remain in its current placement as indicated on the submitted site plan, or
2. to reduce the width of the dock by two (2) feet in order to install a canopy instead of the current lift to better accommodate the watercraft onsite.

Additionally, the water depths shown on the site plan for 135 Mound Ave were not based off the 929.4 feet OHW. The water depths shown on the site plan were provided by the Applicant on August 1, 2022, and were not verified by the surveyor. LMCD staff visited the property on October 4, 2022, and verified that water depths based on the 929.4 feet OHW contour would have been marked at approximately 6.2 feet at the end of the dock, and 4.6 feet at the start of BSU #1. This variance application is not based on water depth, noting that lake water levels were below normal this boating season.

Proposed Setbacks

Original Submittal

The original proposal as indicated on the submitted site plan includes a side setback of 10.1 feet to 10.8 feet shore to lakeward on the southern side. This variance proposal would require a 15 foot setback for a dock length beyond 50 feet from the 929.4 ft OHW and a 20- foot setback for a canopy. With the incorporation and use of the city fire lane, the setback on the northern side would be 43.8 feet to 29.5 feet extending from BSU 2 and from platform, respectively. The platform is 7 feet wide by 12 feet excluding the walkway.

Option

The Applicant's proposed option would include a setback of 12.1 feet to 12.8 feet, as measured from BSU 1 as it extends into the lake on the southern side of the site. This variance proposal would require a 15 foot setback for a dock length beyond 50 feet from the 929.4 ft OHW and a 20-foot setback for a canopy.

This reduction in width of the dock structure was proposed to allow for the use of a canopy in place of the current boat lift installed at 135 Mound Ave. However even with this change the side setbacks for both a canopy and dock structure would still not meet LMCD requirements. The north side setback is the same as the original submittal.

Proposed Dock Length

For the original submittal and option requested, the Applicant's current dock structure on the site is approximately 78 feet long. In consideration of a shoreline measurement up to 96 feet, the LMCD Code allows the dock length up to the shoreline measurement, but not to exceed 100 feet if no safety, navigation, or other negative impacts would occur.

Proposed BSUs

Original Submittal

The applicant proposes one boat storage unit (BSU) with a canopy to replace the current boat lift that currently is in place, and one BSU with a boat lift for a second watercraft. The enclosed BSU would measure 14.2 feet wide by 40 feet long. The second BSU measures 8.25 feet wide by 17 feet long and is located along the north side of the dock structure.

Option

The applicant proposes one boat storage unit (BSU) with a canopy to replace the current boat lift that currently is in place, and one BSU with a boat lift for a second watercraft. The enclosed BSU would measure 12.2 feet wide by 40 feet long. The second BSU measures 8.25 feet wide by 17 feet long and is located along the north side of the dock structure.

CONSIDERATIONS OF VARIANCE

The following items should be considered when reviewing a variance request:

1. Has the Applicant sufficiently demonstrated practical difficulties exist such that each of following are true?
 - a. Strict application of code prohibits property owner from using Lake in reasonable manner that is otherwise permitted by the code.
 - b. Granting a variance is within spirit and intent of the Code.
 - c. Plight of property owner is due to circumstances:
 - (1) Unique to property;
 - (2) Not created by property owner; and
 - (3) Not based solely on economic considerations.
 - d. Granting a variance does not alter essential character of the area.
2. Is the Applicant proposing a use not allowed under the code?
3. Would variance, if granted and with conditions imposed, adversely affect:
 - a. Purpose of Code?
 - b. Public health, safety, and welfare?
 - c. Reasonable access to or use of the Lake by public or riparian owners?

PUBLIC COMMENTS

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Tonka Bay were provided information regarding the application on October 12, 2022. City and agency comments were due by October 22, 2022. Comments received as of October 21, 2022, are summarized below. Any comments received after October 21, 2022, will be provided at the Board meeting for review.

- There have been no agency comments regarding the application.
- Staff from the City of Tonka Bay have provided a general indication that the proposal is acceptable. However, formal consideration and review is anticipated at an upcoming Council Meeting and will be provided prior to the LMCD Board action tentatively scheduled for November 9, 2022.

As of October 21, comments received by LMCD staff from the general public are summarized below:

- The LMCD Office has received no general public comments regarding the application.

PUBLIC HEARING

The public hearing provides an opportunity for interested individuals to present their views to the Board for consideration. This is an important part of reviewing the impact of a project. Only items under the LMCD Code and Board authority may be considered as part of any approval or denial decision.

The public hearing notice was published in the October 13, 2022, edition of the Sun Sailor (official newspaper) and the October 15, 2022, edition of the Laker Pioneer. On October 13, 2022, a public hearing notice was mailed to persons who reside upon or are owners of property within 350 feet of the Site. In addition, the Board packet was posted online and the agenda was posted on the LMCD bulletin board.

RECOMMENDATION

If the board chooses to approve the variance, based on review of the Considerations of Variance factors, the minimum recommendations are provided for consideration. The Board may wish to consider other items.

1. Receive formal approval from the City of Tonka Bay for the shared use of the fire lane.
2. Ensure the shared uses are compatible and understand the City's desire to use the fire lane for riparian purposes may change in the future.
3. For the northern side setbacks, maintain a minimum 43.8 foot-setback and a 29.5 foot-setback, from shore as it extends into the lake as indicated on the site plan. If the Board prefers, the option to shorten or remove the platform exists to increase setback distances.

4. For the southern side setbacks, the Board should consider whether it is reasonable to:
 - a. For the original submittal, allow the proposed setbacks with the existing configuration submitted, for a variance distance of 4.2 feet, or
 - b. For the optional request, allow the addition of a canopy since it increases noncompliance beyond the dock configuration and use that has generally existed at this site. The setback variance would be 4.4 feet toward shore and 3.7 feet as it extends into the lake respectively to the canopy material if installed within the dock walkway. From the dock structure, the setback variance would be 2.2 feet,
 - c. For both original and optional request, suggest the Applicant review a modification of the dock structure location or configuration to meet LMCD Code requirements for setbacks,
5. The length of the dock structure and storage should be no longer than proposed 78 feet from the 929.4 feet OHW since water levels appear sufficient during normal OHW.
6. Allow up to two (2) BSUs for the Site.
7. Provide an updated site plan with final configuration and measurements as approved by the Board.
8. Apply standard variance conditions reflecting environmental, nuisances, maintenance, etc.

BUDGET _____

N/A

STRATEGIC PRIORITIES _____

<input type="checkbox"/> Operational Effectiveness	<input type="checkbox"/> Clear & Timely Communications	<input type="checkbox"/> Effective Governance	<input checked="" type="checkbox"/> Lake Protection	<input type="checkbox"/> Other
--	--	---	---	--------------------------------

ATTACHMENTS _____

1. LMCD Code Excerpts
2. Aerial Imagery of Site
3. Proposed Site Plan
4. Variance Application & Submitted Documents
5. Public Hearing Notice (Sun Sailor and Laker Pioneer)
6. Public Hearing Notice Mailing



ITEM 10 A

LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: November 9, 2022 (Prepared November 2, 2022)

TO: LMCD Board of Directors

FROM: Thomas Tully, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director

SUBJECT: 540 Big Island New Residential Multiple Dock License

ACTION

Board consideration of the 540 Big Island Multiple Dock License and receive continued public input as part of the public hearing for the Application. The Applicant's site is located at 540 Big Island in Orono (PID 22-117-23-42-0001), Lower Lake South.

The following motions are offered depending on whether the Board wishes to approve, continue, or deny the request:

Approval:

I make a motion to direct staff and LMCD legal counsel to prepare Findings of Fact and Order approving the residential multiple dock license for Shawn Wischmeier for the property located at 540 Big Island in Orono as presented <or with additional amendments> for final approval at the December 14, 2022 Board meeting.

Denial:

I make a motion to direct staff and LMCD legal counsel to prepare Findings of Fact and Order denying the residential multiple dock license for Shawn Wischmeier for the property located at 540 Big Island, in Orono for a final vote at the December 14, 2022 LMCD Board meeting based on...

APPLICATION SUMMARY

The Applicant, Shawn Wischmeier, ("Applicant") has submitted a revised site plan for a new residential multiple dock license for 540 Big Island in Orono (PID 22-117-23-42-0001). This is a continued public hearing since the previous dock proposal requested a length variance. Based on feedback at the initial public hearing, the Applicant reconfigured the dock and location so it meets the LMCD Code requirements and a length variance is no longer requested.

SITE BACKGROUND

The Applicant proposes to store nine (9) watercraft at the site. In order to store five or more watercraft at a site, a multiple dock license is required. The revised site plan has brought the site into general compliance with the LMCD regulations.

The site has approximately 475 feet of shoreline (929.4-foot elevation contour / OHW) on Lower Lake South. The proposed dock now extends to the maximum code length of 100 feet from the 929.4 feet OHW for a residential site based on the shoreline measurement.

The proposal also meets LMCD Code requirements for side setbacks and watercraft density. The Applicant proposes to install a permanent dock. The Applicant would not be eligible for a deicing license per LMCD Code Section 10-3.05, Subd. 1.

APPLICATION REVIEW

Below is a review of the relevant attributes of the proposal:

- **Boat Density.** Shoreline measurements (929.4-foot NGVD elevation contour) and boat density for the sites are as follows:
 - Proposed BSUs: Nine (9)
 - Shoreline: 475 feet
 - Proposed boat density: 1:53
- **BSU Classification.** The proposed BSUs would be for private use of the residents.
- **BSU Size.** The Applicant proposes:
 - Five (5) BSUs with combined measurement of 38 feet wide by 20 feet long;
 - Two (2) BSUs each measuring 15 feet wide by 32 feet long;
 - Two (2) BSUs each measuring 19 feet wide by 52 feet long.
- **Dock Length.** Maximum length from shore of approximately 100 feet.
- **Water Depths.** Lakebed elevations provided on the site plan indicate that four (4) feet of water depth is reached after the landward side of the proposed slips, and that four and one-half (4.5) feet of water depth is reached at the lakeward end of the proposed slips.

ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) DETERMINATION

The proposal does not constitute a “marina,” given its residential nature, and the standards for EAWs for marinas may not apply to such a proposal.

Regardless, the proposed layout constitutes an expansion in surface area of roughly 10,704 square feet for combined structures, boat storage, and navigational area. As the changes proposed do not reach or surpass an increment of expansion of 20,000 square feet of dock structures, boat storage, and navigational area, a Mandatory EAW is not required at this time.

SUMMARY OF CODE CONSIDERATIONS

Key LMCD Code items are listed below, with a description of the code section as it relates to this Application. Code excerpts are attached for additional reference. *Staff comments regarding the Application are written in italics below the relevant code language.*

Section 1-3.01. Definitions.

Subd. 84. Residential Multiple Dock. “Residential multiple dock” means a multiple dock constructed or maintained at a single-family residence for the private use of the residents of the dwelling on the property.

Section 2-3.03. Determination of Authorized Dock Use Area.

Subd. 2. Length. The length of the authorized dock use area is measured on a line parallel to the site side lines as extended into the Lake and is limited as provided in this subdivision.

- (a) General Limit. The length of an authorized dock use area extends into the Lake a distance equal to the length of shoreline frontage of the site as measured at right angles to the side site lines as extended into the Lake. The total length of the authorized dock use area shall not extend beyond 100 feet, even if the site has more than 100 feet of shoreline frontage, unless otherwise specifically provided in this Section.
- *The Applicant proposes a dock extending up to 100 feet in length, this is the maximum amount allowed for a residential multiple dock*

Subd. 3. Width. The width of an authorized dock use area is determined in accordance with the provisions of this subdivision. The width of an authorized dock use area is less than the width of the site due to the need to comply with setbacks imposed from the side site lines.

- (a) Setbacks. The width of an authorized dock use area is limited by the following setbacks, which are measured from the side site lines as extended in the Lake:

For that portion of the length of the authorized dock use area which extends from the shore:	The setback from the side site line as extended in the Lake shall be:
Zero to 50 feet	10 feet
50 to 100 feet	15 feet
100 to 200 feet	20 feet

Where boat slips open toward a side site line, the setback provided shall be at least equal to the slip depth, but shall not be less than 20 feet.

- (b) Setbacks Doubled. Setbacks shall be doubled for all multiple docks or mooring areas and commercial single docks on each side where such structures are not located adjacent to another multiple dock, mooring area, or commercial single docks.
- *The Applicant’s proposal meets setback requirements, including doubling which is required for multiple docks not located next to other multiple or commercial docks.*

Section 2-4.05. General Density Rule.

Subd. 2. **General Density Rule.** A site is allowed one restricted watercraft density for each 50 feet of continuous shoreline. If the site has continuous shoreline greater than 100 feet and the shoreline measurement would result in the allowance of a fractional restricted watercraft density, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be counted as one additional restricted watercraft density.

- *The Applicant's proposal meets density requirements (less dense than 1:50).*

Section 2-6.19. Structure Dimensions. A dock may exceed eight feet, excluding posts, in either its length or width, but not both. In connection with issuance of a commercial single dock or commercial multiple dock license, the Board may authorize the construction and maintenance of docks used in conjunction with the sale of fuel to the public of up to 10 feet in width to the extent deemed necessary by the Board for safe and efficient fuel sales activities. Docks that were in existence on June 30, 1982 and that are in compliance with all the provisions of the Code, other than this Section, shall be allowed to continue in their present form without expansion or modification until such time as such docks are replaced or until 50 percent or more of any such dock is damaged or destroyed. A ski jump may exceed eight feet in width provided it is no wider than 12 feet and meets all other requirements of the Code.

- *The dock structures meet the structure dimension requirements.*

Section 6-4.03. Residential Multiple Dock License. An application for a residential multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

Subd. 3. **Review Criteria.** When considering an application the Executive Director shall consider, together with any other factors the Executive Director determines are relevant, the.

- (a) Whether the proposed structure satisfies the review criteria for a commercial multiple dock, to the extent applicable, in **Section 6-2.01, subdivision 3**, excluding the public use criteria; and

Section 6-2.01. Commercial Multiple Dock License. An Application for a commercial multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

Subd. 3. **Review Criteria.** When considering an Application the Board shall consider, together with any other factors it determines are relevant, the following:

- (a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;
 - *The Applicant's proposal meets density requirements (less dense than 1:50).*
- (b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
 - *The Applicant's proposal meets setback requirements.*
 - *The Applicant has brought the proposed structure into LMCD compliance and no longer needs a length variance.*

(c) Whether the proposed structure will be structurally safe for use by the intended users;

- *The Applicant is and will be required to install and maintain a structurally safe facility.*

(d) Whether the structure will comply with the regulations contained in this Code;

- *The proposal generally appears to comply with all regulations of the LMCD Code.*

(e) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;

- *LMCD staff do not regard this proposal as a significant increase to traffic on the lake in relation to the Code allowances.*

(f) Whether the proposed structure will be compatible with the adjacent development;

- *The Applicant's use of the site would not be a significant departure from the current residential use of the site in terms of its compatibility with adjacent development.*

(g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;

- *The Applicant's use of the site would not be a significant departure from the current residential use of the site in terms of its compatibility with the natural beauty of the Lake.*

(h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;

- *The Applicant's use of the site would not be a significant departure from the current residential use of the site in terms of its effect on the quality of water and the ecology of the Lake.*

(i) Whether the proposed structure, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the structure;

- *The private residential use of the proposed dock would not appear to cause a significant increase in nuisance characteristics.*

(j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;

- *Site is for residential use; residential facilities would be sufficient.*

(k) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;

- *Public use criteria N/A per 6-4.03, Subd. 3, paragraph (a)*

(l) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public; and

- *Public use criteria N/A per 6-4.03, Subd. 3, paragraph (a).*

(m) If the site to which the Application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.09, subdivision 4(a).

- *N/A*

PUBLIC COMMENTS

In compliance with MN DNR General Permit 97-6098, the MN Department of Natural Resources (MN DNR), Minnehaha Creek Watershed District (MCWD), and the City of Orono were provided information regarding the Application on September 1, 2022. City and agency comments were due by September 11, 2022. Comments received as of noon on November 3, 2022 are summarized below:

-City of Orono expressed that it would support the recommendation of the LMCD.

As of noon on November 3, 2022, comments received by LMCD staff from the general public are summarized below:

-One public comment was received asking for more details, but the individual did not express any objections.

PUBLIC HEARING

The public hearing provides an opportunity for interested individuals to present their views to the Board for consideration. This is an important part of reviewing the impact of a project. Only items under the LMCD Code and Board authority may be considered as part of any approval or denial decision.

The public hearing notice was published in the September 29, 2022 edition of the Sun Sailor (official newspaper) and the October 01, 2022 edition of the Laker Pioneer. Residents and owners of property within 350 feet of the site were notified via a mailing sent out September 1, 2022. In addition, the Board packet has been posted online.

RECOMMENDATION

Based on information available at the time of this report, LMCD staff recommends approval with the minimum conditions listed below. The recommendation may change based on information reviewed or presented as part of the public hearing process.

1. Compliance with the proposed site plan.
2. Watercraft and other structures may not extend beyond the four BSUs that abut the 100-foot length into the lake.
3. Adequate lighting and/or reflectorized material be provided at the end of the dock structure as approved by LMCD staff.
4. The construction is eligible for either a seasonal or permanent dock installation.

5. The site is not eligible for a de-icing license.
6. Other general license requirements apply.

BUDGET _____
N/A

STRATEGIC PRIORITIES _____

<input type="checkbox"/> Operational Effectiveness	<input type="checkbox"/> Clear & Timely Communications	<input type="checkbox"/> Effective Governance	<input checked="" type="checkbox"/> Lake Protection	<input type="checkbox"/> Other
---	---	--	--	--------------------------------

ATTACHMENTS _____

1. LMCD Code Excerpts
2. Aerial Map(s) of Proposed Area
3. Proposed Site Plan (as submitted)
4. Aerial Overlay (prepared by LMCD staff)
5. Multiple Dock License Application
6. Public Hearing Newspaper Notice (Sun Sailor-official)
7. Public Hearing Mailing Notice

ATTACHMENT 1

ATTACHMENT: LMCD Code Excerpts for Reference

540 Big Island in Orono
New Multiple Dock License



Section 1-3.01. Definitions.

Subd. 84. Residential Multiple Dock. “Residential multiple dock” means a multiple dock constructed or maintained at a single-family residence for the private use of the residents of the dwelling on the property.

Section 2-3.03. Determination of Authorized Dock Use Area.

Subd. 1. Generally. The dimensions of an authorized dock use area for sites bordering the Lake are determined in accordance with this Section. The authorized dock use area shall be measured from the point which forms the shoreline when the Lake is at elevation 929.4, National Geodetic Vertical Datum of 1929 (“NGVD”). The authorized dock use area includes the area on, under, and over the surface of the Lake.

Subd. 2. Length. The length of the authorized dock use area is measured on a line parallel to the site side lines as extended into the Lake and is limited as provided in this subdivision.

- (b) General Limit. The length of an authorized dock use area extends into the Lake a distance equal to the length of shoreline frontage of the site as measured at right angles to the side site lines as extended into the Lake. The total length of the authorized dock use area shall not extend beyond 100 feet, even if the site has more than 100 feet of shoreline frontage, unless otherwise specifically provided in this Section.

Subd. 3. Width. The width of an authorized dock use area is determined in accordance with the provisions of this subdivision. The width of an authorized dock use area is less than the width of the site due to the need to comply with setbacks imposed from the side site lines.

- (c) Setbacks. The width of an authorized dock use area is limited by the following setbacks, which are measured from the side site lines as extended in the Lake:

For that portion of the length of the authorized dock use area which extends from the shore:	The setback from the side site line as extended in the Lake shall be:
Zero to 50 feet	10 feet
50 to 100 feet	15 feet
100 to 200 feet	20 feet

Where boat slips open toward a side site line, the setback provided shall be at least equal to the slip depth, but shall not be less than 20 feet.

- (d) Setbacks Doubled. Setbacks shall be doubled for all multiple docks or mooring areas and commercial single docks on each side where such structures are not located adjacent to another multiple dock, mooring area, or commercial single docks.

- (1) Exception – May 3, 1978. Multiple docks, mooring areas, and commercial single docks in existence on May 3, 1978 shall be considered nonconforming structures and shall not be subject to setback doubling if such structures are not expanded. The reconfiguration of the structure pursuant to Article 2, Chapter 8 shall not be considered an expansion.
- (e) Sites with 50 feet of Width or Less – February 2, 1970. For a site in existence on February 2, 1970 with a width of 50 feet or less, the authorized dock use area may be expanded to a side setback limitation of five feet, provided that such setback in no way impairs access to neighboring docks.
- (f) Canopies. Canopies must be setback from side site lines a minimum distance of 20 feet.

Section 2-4.05. General Density Rule.

Subd. 1. How Density is Determined. The number of restricted watercraft that may be stored at a site, which is referred to herein as restricted watercraft density, shall be determined in accordance with this Section and any applicable special density rules set out in Section 2-4.09. The restricted watercraft density for a site may be increased if a special density license is issued as provided in Section 2-4.11. For purposes of this Chapter, a site is considered to be used for mooring or docking more than the permitted number of restricted watercraft if a greater number of restricted watercraft than are allowed by this Chapter are moored, docked, anchored, or secured at the site, for any period of time, on three or more calendar days in any 14-day period.

Subd. 2. General Density Rule. A site is allowed one restricted watercraft density for each 50 feet of continuous shoreline. If the site has continuous shoreline greater than 100 feet and the shoreline measurement would result in the allowance of a fractional restricted watercraft density, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be counted as one additional restricted watercraft density.

Subd. 3. Compliance with Density. No docks or mooring areas shall be constructed, established or maintained that provide space for, or are used for, mooring or docking a greater number of restricted watercraft than is allowed under this Section unless authorized to do so by special density license issued in accordance with Sections 2-4.11 and 6-2.13.

Section 5-1.05. Residential Uses. The residential uses identified in this Section are eligible to apply for residential licenses on the Lake. The LMCD does not license the use itself, but the license issued for the structure will identify the particular residential use designation recognized by the LMCD. These designations are not directly dependent on the zoning approvals issued for a property by the municipality in which the use is located. Each type of residential use is identified below and may be referred to in this Code collectively as residential uses. The residential uses identified in this Code are as follows:

- (a) Single-family residential; and
- (b) Residential associations.

Section 5-1.07. Single-Family Residential. A single-family residential property may apply for the following types of licenses and permit:

- (a) Residential single dock license, which is only required if the dock is placed pursuant to a shared shoreline agreement entered into between neighboring residential owners;
- (b) Residential multiple dock license; or
- (c) Residential permanent dock permit.

All license applications shall be submitted and processed in accordance with the requirements and procedures in Article 6, Chapter 4 of this Code.

Section 5-2.03. Residential Multiple Docks.

Subd. 1. Description. A residential multiple dock is a dock constructed, placed, maintained, or used by a residential use for the storage of five or more restricted watercraft.

Subd. 2. Licensing. The placement of a residential multiple dock requires a residential multiple dock license, the application for which shall be submitted and processed in accordance with Section 6-4.03.

Subd. 3. License Renewals. A residential multiple dock license shall be renewed annually as provided in Section 6-4.03, subdivision 6.

Section 6-4.03. Residential Multiple Dock License. An application for a residential multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for a residential multiple dock license shall, in addition to the information required in Section 6-1.03, contain the following information:

- (a) A plan showing the design, with dimensions, and location of the structure, including all boat storage units.

Subd. 2. Issuing Authority. The Executive Director is authorized to issue a residential multiple dock license administratively without a public hearing. The license shall specify the authorized boat storage units allowed at the structure. The Executive Director may refer any residential multiple dock application to the Board and shall refer to the Board any residential multiple dock application that the Executive Director proposes to deny.

Subd. 3. Review Criteria. When considering an application the Executive Director shall consider, together with any other factors the Executive Director determines are relevant, the.

- (b) Whether the proposed structure satisfies the review criteria for a commercial multiple dock, to the extent applicable, in **Section 6-2.01, subdivision 3**, excluding the public use criteria; and
- (c) If the application involves a combined dock use area, the additional criteria in subdivision 5 of this Section.

Subd. 4. Requirements. The Applicant shall provide the LMCD an as-built survey of the residential multiple dock within 30 days of completion of installation.

Section 6-2.01. Commercial Multiple Dock License. An Application for a commercial multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

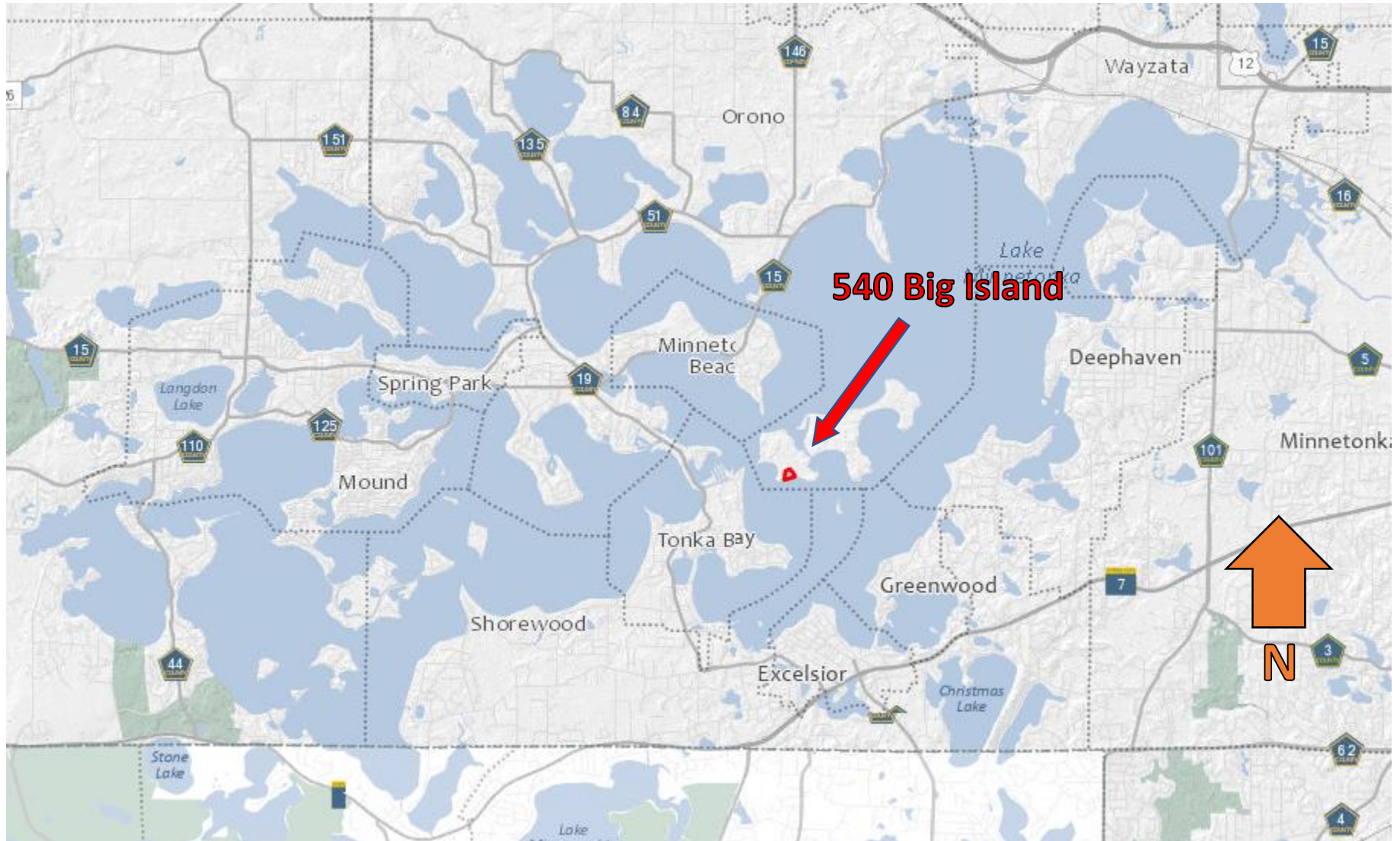
Subd. 3. Review Criteria. When considering an Application the Board shall consider, together with any other factors it determines are relevant, the following:

- (a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;
- (b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
- (c) Whether the proposed structure will be structurally safe for use by the intended users;
- (d) Whether the structure will comply with the regulations contained in this Code;
- (e) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;
- (f) Whether the proposed structure will be compatible with the adjacent development;
- (g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;
- (h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;
- (i) Whether the proposed structure, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the structure;
- (j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;
- (k) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;
- (l) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public; and
- (m) If the site to which the Application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.07, subdivision 4(a).

ATTACHMENT 2

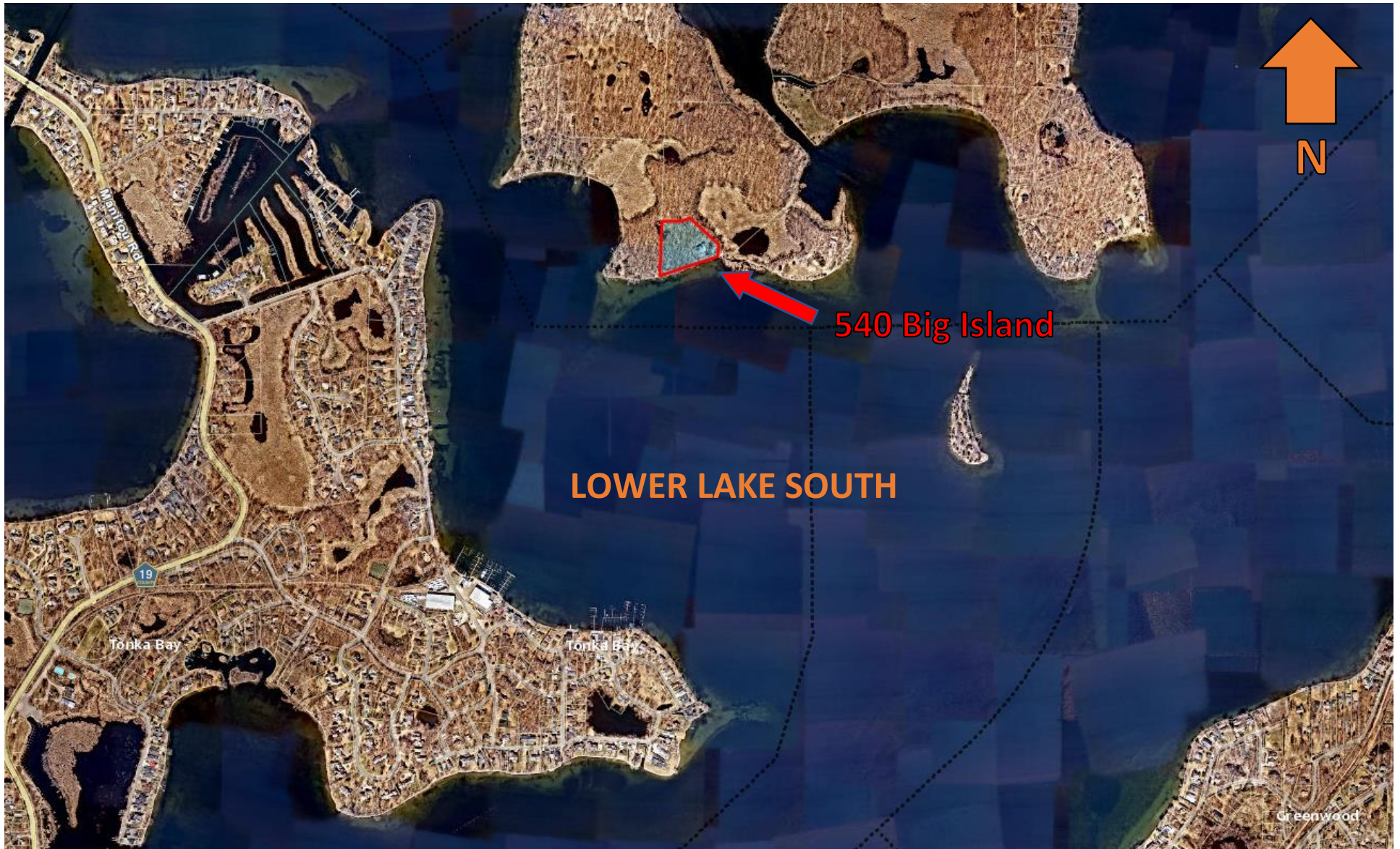
540 Big Island, Orono | MDL Application

For illustrative purposes only. Taken from Hennepin County Locate & Notify Map 10/26/2021.



540 Big Island, Orono | MDL VAR Applications

For illustrative purposes only. Taken from Hennepin County Locate & Notify Map 10/26/2021. Aerial imagery appears to be from 2020.



540 Big Island, Orono | MDL Application

For illustrative purposes only. Taken from Hennepin County Locate & Notify Map 10/26/2021. Aerial imagery appears to be from 2020.



RECEIVED
AUG 26 2022
By

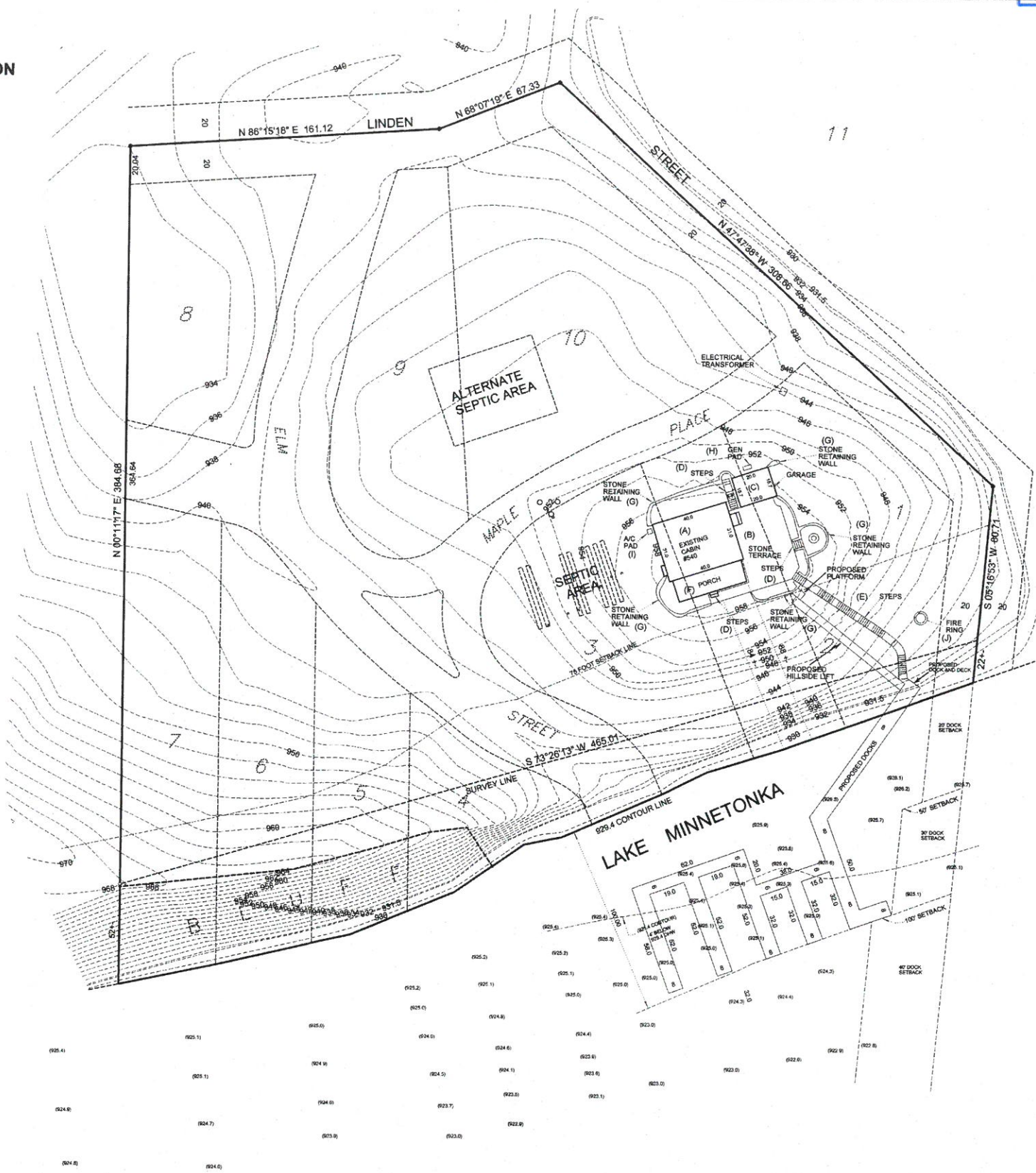
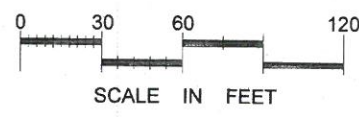
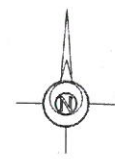
CERTIFICATE OF SURVEY FOR
KELLY AND SHAWN WISCHMEIER
IN LOTS 1-10 AND VACATED ROADS, KATE B. PLUMMERS SUBDIVISION
OF LOT 2, KITCHEL'S SUBDIVISION OF GOV'T LOTS 5 & 6,
SEC. 22, T. 117 N., R 23 W.
HENNEPIN COUNTY, MINNESOTA

LEGAL DESCRIPTION OF PREMISES:
Lots 1 to 10 inclusive including the adjoining vacated
Elm Street and Maple Place, also including the adjoining half
of vacated Linden Street, all in Kate B. Plummer's Subdivision of
Lot 2, Kitchel's Subdivision of Government Lots 5 & 6, Section
22, Township 117 N., Range 23 W.

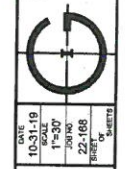
This survey shows the boundaries of the above described property,
the topography of the land, and the location of an existing deck and shed
thereon. It does not purport to show any other improvements
or encroachments.

- Denotes iron marker found
- Denotes iron marker set
- - - Existing contour line

Bearings shown are based upon an assumed datum



GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435



DATE	10-31-19
DRAWN	10-31-19
CHECKED	10-31-19
DESIGNED	10-31-19

I hereby certify that this plan, specification, or report
was prepared by me or under my direct supervision
and that I am a duly Licensed Land Surveyor under
the laws of the State of Minnesota.
Karl D. Gronberg
DATE 8-24-22 MINN. LICENSE NUMBER 22255

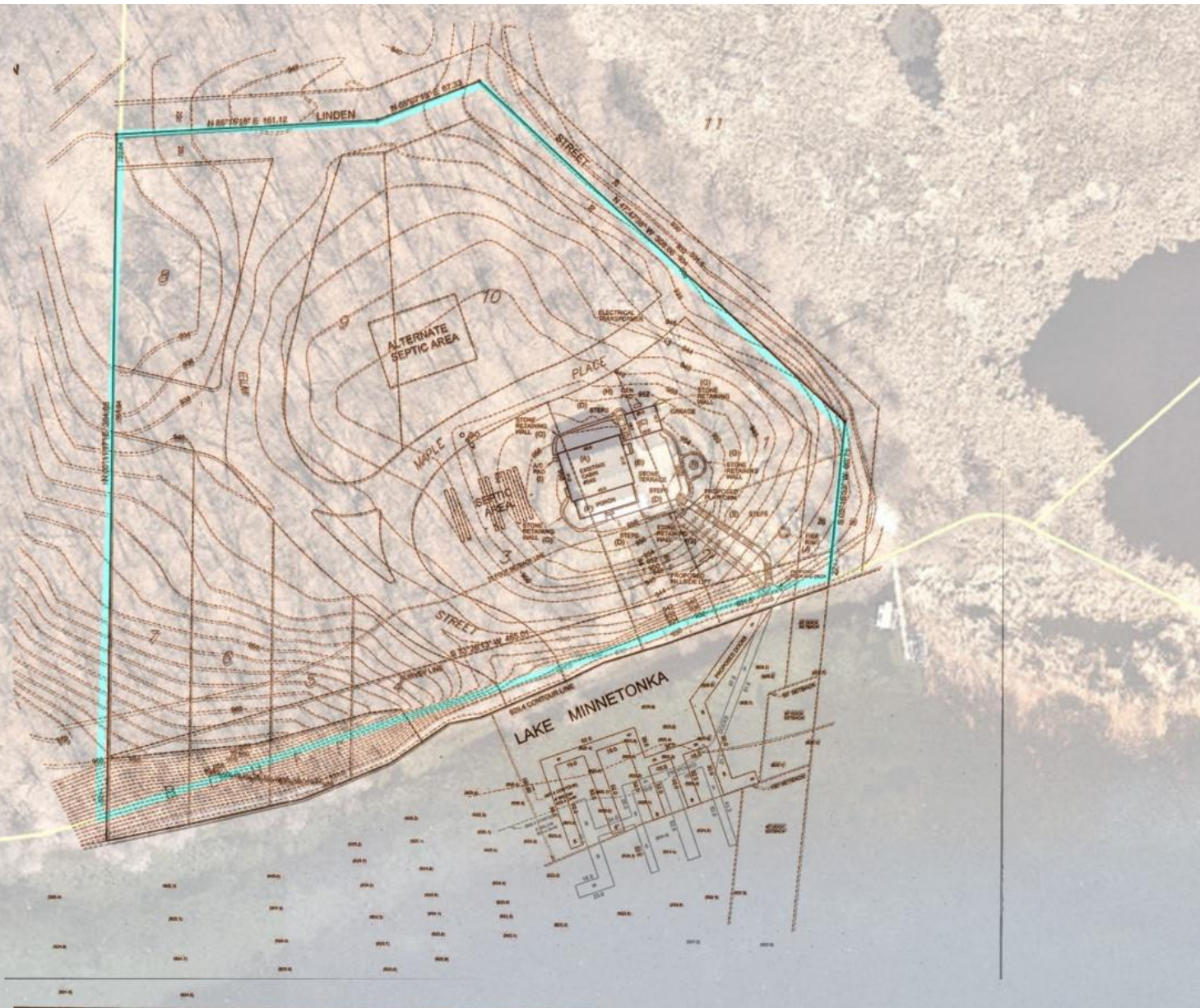
DATE	REVISIONS
6-12-20	SHORELINE ADJUSTED PER ADDNL. SHOTS
9-10-21	ADDED PROPOSED DOCKS
9-17-21	REVISED PROPOSED DOCKS
1-4-22	ADDED LAKE BOTTOM ELEV'S
7-21-22	REVISED PROPOSED DOCK
8-10-22	ADDED PROPOSED HILLSIDE LIFT

ATTACHMENT 4

540 Big Island, Orono | MDL Application

Aerial Overlay prepared to compare the original dock proposal and the revised proposal for illustrative purposes only

The original proposed site plan is outlined in **GRAY** and the revised proposal is outlined in **ORANGE**





ATTACHMENT 5

MULTIPLE DOCK NEW LICENSE APPLICATION LAKE MINNETONKA CONSERVATION DISTRICT

For LMCD Use:

Fee Amount: _____ Check # _____ Date Received: _____

1. CONTACT INFORMATION

Applicant: Shawn Wischmeier Applicant Title (Owner, Authorized Agent, etc.): Owner

Address: 540 Big Island, Orono, MN 55331

Phone: 919-448-8884 Email: swischmeier@gmail.com

Property Owner (if different from applicant): Same

Address: Mailing Address is 110 Sunrise Avenue, Excelsior, MN 55331

Phone: _____ Email: _____

2. SITE INFORMATION

Facility Use Classification (Check all that apply):

☐ a) Commercial Marina

☐ d) Transient

☒ g) Residential Multiple Dock

☐ b) Club

☐ e) Outlot Association

☐ c) Municipal

☐ f) Residential Association

Facility Type:

☐ a) Qualified Commercial Marina

☐ c) Qualified Sailing School

☐ b) Qualified Yacht Club

☒ d) Not Applicable

Site Address: 540 Big Island, Orono, MN 55331

Site Lake Frontage: 475 feet Boat Storage Unit Density: 1 BSU per 50 feet

Describe type of dock construction (material, permanent/pilings, floating, etc.) and attach to-scale drawing:

Permanent dock, pier/piling wood dock construction. See attached.

Check the parking requirements of the City and indicate the number of required parking spaces for any of the following services your facility provides:

Boat Storage	<u>Not applicable, residential property on Big Island</u>
Launching ramps	<u></u>
Sales	<u></u>
Service	<u></u>
Boat Rentals	<u></u>
Restaurant	<u></u>
Other (explain)	<u></u>
TOTAL	<u></u>

Restroom facilities provided: ☐ Yes ☐ No

If yes, number of indoor: _____ and/or outdoor portable: _____

Boat toilet pumping service provided: ☐ Yes ☐ No

Total square footage of dock area including maneuvering space = _____ sq. ft.

****An EAW is mandatory when marina size reaches or surpasses 20,000 sq ft, and in 20,000 sq ft increments thereafter. A discretionary EAW may be required if potential for significant adverse environmental impacts.*

Boat Storage Units (BSU) computation:

Lakeshore Frontage 475 feet divided by 50 = 10 BSU's allowable under the one-boat -per-fifty-foot rule. If this number is less than the total BSU's applied for below, an application for a Special Density License is required per Code Section 2-4.05.

Number of BSU's applied for:

LOCATION		USE	
Slips	9	Rent, lease, etc.	
Slides		Service work	
Lifts		Company use	
Tie-ons		Private use	9
Moorings		Transient use	
Other		Other	
TOTAL BSU's	9	TOTAL BSU's	9

Watercraft Storage Unit computation schedule: Enter the number of BSU and WSU in each slip size category and complete the slip size chart provided as an attachment to this application (Note: This is only for fee calculations and does not entitle the applicant to install BSUs to the maximum WSU range dimension.)

<u>BSU</u>	<u>SLIP SIZE CATEGORIES</u>	<u>WSU</u>
<u>5</u>	BSU @ 1 WSU (each slip up to 20' long and /or up to 10' wide)	<u>5</u>
_____	BSU @ 1.5 WSU (each slip up to 20'-24' long and/or 11' wide)	_____
<u>2</u>	BSU @ 2 WSU (each slip up to 24-32' long and/or 12' wide)	<u>4</u>
_____	BSU @ 2.5 WSU (each slip up to 32-40' long and/or 14' wide)	_____
_____	BSU @ 3 WSU (each slip up to 40-48' long and/or 16' wide)	_____
<u>2</u>	BSU @ 4 WSU (each slip over 48' long and/or over 16' wide)	<u>8</u>
<u>9</u>	BSU and WSU Totals	<u>17</u>

3. ATTACHMENTS

Documents listed below are required; check that they are attached:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Locator map, county plat map | <input checked="" type="checkbox"/> Existing facility site plan |
| <input checked="" type="checkbox"/> Certified land survey, legal description | <input checked="" type="checkbox"/> Copies of all required permits, licenses, & approvals obtained from the MN DNR and from the city in which the site is located. |
| <input checked="" type="checkbox"/> Slip size report (approved & proposed) | <input checked="" type="checkbox"/> Names and mailing addresses within 350 foot radius (See note) |
| <input checked="" type="checkbox"/> Proposed facility site plan with scaled drawing of docks on abutting properties | |

***Names & Mailing Addresses: The LMCD provides notice of a public hearing, which is published and mailed to owners within 350 feet of the subject property. The applicant is required to obtain mailing labels from Hennepin County for property owners within a 350-foot radius of the site. Labels are now available online by visiting <https://gis.hennepin.us/locatenotify/default.asp>. Set the buffer distance to 350 feet and print the "mail list," which includes both taxpayer and resident information. If the facility is located in Carver County, contact the LMCD office for assistance.

Several of the required attachments can be combined into a single document. Absence of requested data may result in a processing delay or the application may be deemed incomplete.

4. FEES

Base Fee (Non-refundable)	<u>\$500.00</u>
Number of Watercraft Storage Units (WSU) <u>17</u> x \$7.50	<u>\$ 127.50</u>

Total Fee Enclosed	<u>\$ 627.50</u>
---------------------------	------------------

I certify that the information provided herein and any attachments hereto are true and correct statements to the best of my knowledge no changes have been or will be made without LMCD approval at this site and that a new license will be obtained from the Lake Minnetonka Conservation District before making any change. I understand that any license issued may be revoked by the District for violation of the LMCD code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance, or other expenses required that be incurred by the District in excess of the original fee. I agree to the provisions of the license, if granted; and I consent to permitting officers and agents of the District to investigate at all reasonable times and to determine compliance with all applicable regulation.

I agree to submit a certified, as-built survey upon completion of the docks.

Applicant's Signature:



Name

Owner

Title

9/24/21

Date

Return to:

**Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364**

Ad Proof

Not Actual Size



EAST CENTRAL MINNESOTA

-Public Notice Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below. Please proof read carefully. If changes are needed, please contact us prior to deadline at Cambridge (763) 691-6000 or email at publicnotice@apgecm.com

**LAKE MINNETONKA
CONSERVATION DISTRICT
PUBLIC HEARING NOTICE
7:00 PM, OCTOBER 26, 2022
WAYZATA CITY HALL
600 RICE STREET,
WAYZATA, MN 55391**

**SHAWN WISCHMEIER
540 BIG ISLAND,
ORONO MN 55331
LOWER LAKE SOUTH,
LAKE MINNETONKA**

The Lake Minnetonka Conservation District (LMCD) will continue the public hearing to consider a new residential multiple dock license application from Shawn Wischmeier. The Applicant is proposing to install a multiple dock facility with nine (9) boat storage units at the site. Since the previous hearing, the Applicant has made changes to the configuration to eliminate the need for a length variance. The Applicant's property is located at 540 Big Island, in Orono MN 55391. All interested persons will be given an opportunity to comment.

The meeting will be held at Wayzata City Hall, 600 Rice Street E, Wayzata, MN 55391. Information about meeting location and meeting logistics will be available on the LMCD website, www.lmcd.org. Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

Published in the
Sun Sailor
September 29, 2022
1260843

Date: 09/22/22

Account #: 440250

Customer: LAKE MINNETONKA CONSERVATION
DISTRICTAddress: 5341 MAYWOOD ROAD SUITE 200
MOUND

Telephone: (952) 745-0789

Fax: (952) 745-9085

Publications:

SS Mtka_Excelsior_Eden Prairie

Ad ID: 1260843

Copy Line: Oct 26 PH Wischmeier Multi Doc

PO Number:

Start: 09/29/22

Stop: 09/29/2022

Total Cost: \$67.65

of Lines: 46

Total Depth: 5.111

of Inserts: 1

Ad Class: 150

Phone # (763) 691-6000

Email: publicnotice@apgecm.com

Rep No: SE700

Contract-Gross



Ad Proof

Not Actual Size

**LAKE MINNETONKA
CONSERVATION DISTRICT
PUBLIC HEARING NOTICE
7:00 PM, OCTOBER 26, 2022
WAYZATA CITY HALL
600 RICE STREET,
WAYZATA, MN 55391**

**SHAWN WISCHMEIER
540 BIG ISLAND,
ORONO MN 55331
LOWER LAKE SOUTH,
LAKE MINNETONKA**

-Public Notice Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below. Please proof read carefully. If changes are needed, please contact us prior to deadline at
Cambridge (763) 691-6000 or email at publicnotice@apgecm.com

The Lake Minnetonka Conservation District (LMCD) will continue the public hearing to consider a new residential multiple dock license application from Shawn Wischmeier. The Applicant is proposing to install a multiple dock facility with nine (9) boat storage units at the site. Since the previous hearing, the Applicant has made changes to the configuration to eliminate the need for a length variance. The Applicant's property is located at 540 Big Island, in Orono MN 55391. All interested persons will be given an opportunity to comment.

The meeting will be held at Wayzata City Hall, 600 Rice Street E, Wayzata, MN 55391. Information about meeting location and meeting logistics will be available on the LMCD website, www.lmcd.org. Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

Published in the
Laker Pioneer
October 1, 2022
1260846

Date: 09/22/22

Account #: 440250

Customer: LAKE MINNETONKA CONSERVATION
DISTRICT

Address: 5341 MAYWOOD ROAD SUITE 200
MOUND

Telephone: (952) 745-0789

Fax: (952) 745-9085

Publications:

Laker Pioneer

Ad ID: 1260846

Copy Line: Oct 26 PH Wischmeier Multi Doc

PO Number:

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Total Cost: \$43.73

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Total Depth: 5.111

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Ad Class: 150

Phone # (763) 691-6000

Email: publicnotice@apgecm.com

Rep No: SW700

Contract-Gross



ATTACHMENT 7

LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: October 13, 2022

TO: Property Owner

FROM: Thomas Tully, Environmental Administrative Technician
Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice – 540 Big Island, Orono, Lower Lake South

You are receiving this notice because Hennepin County property records indicate you own and/or reside upon property within 350 feet of a property being considered for a new multiple dock license. The LMCD will hold a public hearing to consider the application.

The applicant, Shawn Wischmeier, has submitted a revised application for a new residential multiple dock license for 540 Big Island in Orono (PID 22-117-23-42-0001). The previous application in October 2021 included a variance request for length, which is no longer needed for the new proposal. The new proposal includes a shorter dock length. The applicant proposes to store nine (9) watercraft at the site. The site has approximately 475 feet of shoreline (929.4-foot elevation contour / OHW).

The proposed dock extends to a maximum of approximately 100 feet from the 929.4 OHW. Further, the proposal would meet LMCD Code requirements for side setbacks and watercraft density.

An aerial image of the site is enclosed. The aerial image was made using the Hennepin County interactive property map. The site is outlined in red and indicated by a red line and red text. The proposed site plan, as submitted by the applicant, is also enclosed with this notice. Please contact the LMCD office if you have questions regarding the application or documents provided

Public Hearing Information

A public hearing was originally scheduled for October 26, 2022, but the public hearing will be continued and held at **7:00 PM, on November 9, 2022** as requested by the Applicant due to a scheduling conflict. The items detailed above will be reviewed and considered for approval. All interested persons will be given an opportunity to comment. Alternatively, please submit comments in writing to the LMCD (address below) or by emailing staff at lmcd@lmcd.org.

Those desiring to participate in the hearing may also email the Executive Director at vschleuning@lmcd.org for information. The meeting place is Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391. Information about meeting logistics will be available on the LMCD website, www.lmcd.org.

More details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.



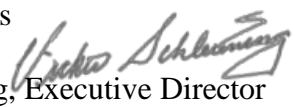
ITEM 13A

LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE November 9, 2022 (Prepared November 4, 2022)

TO: Board of Directors

FROM: Vickie Schleuning, Executive Director 

SUBJECT: 2023 LMCD Employee Compensation Adjustments

ACTION

Board consideration of annual base wage adjustments for employees.

The following motions are offered depending on whether the Board wishes to approve or deny the request.

Approval:

I make a motion to approve the annual base wage adjustments for employees in 2023 at a rate of 5.00 percent <or other percent>...

Denial:

I make a motion to deny the annual base wage adjustment for employees in 2023.

BACKGROUND

Per the Personnel Policy, employees of the Lake Minnetonka Conservation District (LMCD) are compensated as established by the Board of Directors. Appropriate compensation is important to ensure the organization is competitive with market conditions in the area. Typically, the rate adjustment has included the positions of administrative assistant, environmental administrative technician, administrative coordinator, and any seasonal staff.

Member cities were contacted to learn the annual base wage increases planned for employees in 2023. A comparison of annual base wage adjustments of member cities for 2023 is listed in the enclosed table. Please note that at the time of inquiry, some rates were preliminary and not yet approved or not available. According to the Bureau of Labor Statistics, the consumer price index for all urban consumers summary for the prior year 12 months ending September 2021 was 5.4% compared to 8.2% for this year's 12 months ending September 2022.

City Comparison of Annual Wage Adjustment
Summary of Received Responses

City	Wage Increase	Comments
Deephaven	5%	Proposing a 5% cost-of-living increase in 2023
Greenwood		
Woodland		
Excelsior		Not sure yet, it will depend on outcome of Union negotiations
Minnetonka	3%	Planning for a 3% general increase
Minnetonka Beach	8%	Proposing Step increases in addition to 8% cost of living/market rate adjustment to be more inline with market
Minnetrista	3%	Completed a compensation study earlier this year, but COLA adjustment is set at 3%
Mound	3%	Under a 2021-2023 Collective Bargaining Agreement that secured 3% per year over the life of the contract, so 3% across the board for Mound.
Orono	8.5%	Projecting 8-9% in 2023
Shorewood		
Spring Park	5%	Planning a 5% increase in 2023
Tonka Bay		
Victoria		
Wayzata	3%	3% COLA increase for 2023 and some positions will also receive a market increase, depending on the nature of the positions
Mean	4.81%	
Median	4%	

BUDGET_____

An annual wage adjustment is generally accounted for within the budget for personnel expenses. In 2022, a wage adjustment of 3.0% was implemented. Due to the timing of the LMCD budget process in spring, some budget information is not available such as forecasting price inflation. This wage adjustment is separate from market rate comparisons or pay equity studies conducted periodically by organizations.

STRATEGIC PRIORITIES_____

☐

Operational Effectiveness

☐

Clear & Timely Communications

☐

Effective Governance

☐

Lake Protection

☒

Other

RECOMMENDATION_____

It is recommended that base wages be adjusted 5.00 percent based on inflation and comparable rate increases of other local agencies.

ATTACHMENTS/SUPPLEMENTARY INFORMATION_____

- N/A



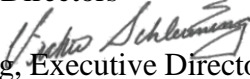
ITEM 13B

LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: November 9, 2022 (Prepared November 3, 2022)

TO: LMCD Board of Directors

FROM: Vickie Schleuning,  Executive Director

RE: Appointment of Nominating Committee for 2023 Officers

ACTION

Board consideration to appoint board members to the Nominating Committee through a motion and formal approval.

The following motions are offered depending on whether the Board wishes to approve or deny the request.

Approval:

I make a motion to appoint <Director names> to the Nominating Committee for selection of candidates for Officers in 2023.

Denial:

I make a motion to deny the appointment of the Nominating Committee for 2023 Officers.

BACKGROUND

The LMCD is required by state statute to annually elect officers from among Board members. Further, the LMCD Bylaws indicate the Board is to annually elect a Chair, Vice Chair, Secretary, and Treasurer in February. The Nominating Committee is charged with assisting in the election process by recommending a slate of officers to the Board at the February 8, 2023 Board Meeting.

On September 14, 2016, the Lake Minnetonka Conservation District (LMCD) Board of Directors approved attached Resolution 150, Approving and Ratifying a Nominating Process for Board Officers. This process was utilized in 2015 at the recommendation of the LMCD Attorney Troy Gilchrist. The Board desired to formally approve and ratify the process for the annual selection of its officers. This Committee is a temporary committee that will extend until the officers are elected.

CONSIDERATIONS_____

- Is the current nomination process sufficient to meet the timeframes and governance requirements?
- Do the previous nominating committee members have any suggestions to the process or committee makeup?

BUDGET_____

N/A

STRATEGIC PRIORITIES_____

<input type="checkbox"/> Operational Effectiveness	<input type="checkbox"/> Clear & Timely Communications	<input checked="" type="checkbox"/> Effective Governance	<input type="checkbox"/> Lake Protection	<input type="checkbox"/> Other
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ATTACHMENTS/SUPPLEMENTARY INFORMATION_____

- Recommended Nomination Process
- Nominating Committee Resolution

ATTACHMENT- **RECOMMENDED NOMINATION PROCESS**

Nominating Committee

1. The Committee develops a recommended slate of officers for presentation to the full Board.
2. The Committee develops a recommended procedure the Board may use to address any nominations at the meeting.

Nomination Procedures

1. The Board Chair asks the Chair of the Nominations Committee to present the recommended slate of officers.
2. The Chair asks the Board if there are any other nominations for any of the positions.
 - a. The member making the nomination must state the name of the person being nominated and the position to which the person is being nominated.
 - b. Nominations do not require a second.
 - c. No member shall be nominated for more than one position.
 - d. A Board member may not nominate himself or herself.
 - e. A nominated member may reject the nomination by the person announcing he or she does not accept immediately after the nomination is made. A member who does not accept a nomination for a position remains eligible to be nominated for another position.
3. If there are no additional nominations, the Board Chair calls for a motion and a vote on the recommended slate of officers.
4. If there are any additional nominations made “from the floor”, the positions for which there were additional nominations are pulled from the recommended slate and the Board Chair calls for a motion and a vote on the remainder of the recommended slate of officers (if any positions remain unchallenged).
5. The challenged officer positions must be voted on individually, which is conducted by the Board Chair identifying the officer position and announcing the name of the member recommended for the position by the Nominating Committee and the names of those nominated for the position from the floor. Each of the nominated members may be allowed up to three minutes to provide background on themselves and why they are interested in the position.
6. The Board Chair announces that voting will be conducted by a show of hands with each member voting only once for each officer position. The nominated members are eligible to vote. The nominee with the most votes at the end of the voting wins the position. If the vote ends in a tie between the two highest vote getters, another vote shall be conducted between just those two members (any other nominees for the position are dropped from the voting) until a winner is selected.
7. The Board Chair then calls for a vote for the position by calling each of the names and then asking members to raise their hand if voting for that person for the position (“All those in favor of Bill Smith for Secretary raise your hands. [count votes] All those in favor of Cindy Jones for Secretary raise your hand. [count votes]” Etc.)
8. The person with the highest number of votes for the position is then announced as being selected for the position.
9. The Board Chair then moves onto to the next challenged position, announces the nominees, and proceeds with voting in the same manner until all of the positions are filled.



**STATE OF MINNESOTA
LAKE MINNETONKA CONSERVATION DISTRICT**

RESOLUTION NO. 150

**A RESOLUTION APPROVING AND RATIFYING A
NOMINATING PROCESS FOR BOARD OFFICERS**

WHEREAS, the Board of Directors ("Board") of the Lake Minnetonka Conservation District ("LMCD") is required by Minnesota Statutes, section 103B.615 to annually elect officers from among the Board members;

WHEREAS, Article II, Section 2.4 of the Bylaws of the Lake Minnetonka Conservation District ("Bylaws") indicates that the Board is to annually elect a Chair, Vice Chair, Secretary, and Treasurer in February;

WHEREAS, the Board has utilized a nominating committee ("Committee") to assist in the election process by recommending a slate of officers to the Board as is permitted by Section 2.4 of the Bylaws; and

WHEREAS, the Committee, with input from the LMCD civil attorney, created and utilized a nominating process for the 2016 election that the Board desires to formally approve and ratify as the standing nominating process for its elections.


NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves and ratifies the attached nominating process as the official process to be followed by the Committee and the Board in the annual selection of its officers.

BE IT FINALLY RESOLVED, that the Committee and Board members may make recommendations for amendments to the nominating process, but the process may only be amended by resolution adopted by a majority vote of all Board members at least 30 days before the date of the election at which the amended process is to be used.

Adopted this 14th day of September, 2016 upon a majority vote of all members.

BY THE BOARD OF DIRECTORS


James Jay Green, Chairperson

Attest: 
Gregory J. Thomas, Secretary



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: November 9, 2022 (Prepared November 2, 2022)

TO: Board of Directors

FROM: Maisyn Reardan, Administrative Coordinator
Maisyn Reardan

THROUGH: Vickie Schleuning, Executive Director
Vickie Schleuning

SUBJECT: 2023 Public Meeting Calendar

ACTION

Board adoption of the LMCD 2023 Public Meeting Calendar.

The following motions are offered depending on whether the Board wishes to approve or deny the request:

Approval

I make a motion to adopt the 2023 LMCD Public Meeting calendar <or amended as follows...>.

Denial

I make a motion to deny adoption of the 2023 LMCD Public Meeting calendar <or amended as follows...>.

BACKGROUND

The LMCD identifies regularly scheduled Board and Committee meetings each year through a Public Meeting Calendar. The meeting schedule is based generally on the meetings conducted in 2022. The Board may update the public meeting calendar, once adopted, if the schedule is updated.

BUDGET

N/A

STRATEGIC PRIORITIES

<input type="checkbox"/> Operational Effectiveness	<input checked="" type="checkbox"/> Clear & Timely Communications	<input checked="" type="checkbox"/> Effective Governance	<input type="checkbox"/> Lake Protection	<input type="checkbox"/> Other
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ATTACHMENTS/SUPPLEMENTARY INFORMATION

- Draft 2023 Public Meeting Calendar

Lake Minnetonka Conservation District Public Meeting Calendar

DRAFT**2023****January**

S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April

S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July

S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October

S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

LMCD Regular Board Meetings

Wayzata City Hall, 600 Rice Street

*2nd and 4th Wednesday of Each Month

6:00 p.m. - 7:00 p.m.: Work Session (Not televised)

7:00 p.m. - Adjourn: Formal Agenda (Televised)

Televised on LMCC: <http://www.lmcc-tv.org/lmcd.html>

*No Meeting Scheduled for 4th Wednesday in November

*No Meeting Scheduled for 4th Wednesday in December

Aquatic Invasive Species (AIS) Committee

LMCD Office, 5341 Maywood Road, Ste 200, Mound

2nd Friday of February & Quarterly thereafter

(November meeting date TBD)

Communications Committee

LMCD Office, 5341 Maywood Road, Ste 200, Mound

Typically 1st Tuesday of each month 8:30 am

(July unconfirmed)

Finance Committee

TBD

Operations Committee

LMCD Office, 5341 Maywood Road, Ste 200, Mound

Typically 2nd Wednesday of each month, Time TBD

Same day as 2nd LMCD Regular Board Meeting

Save the Lake Committee

City of Minnetonka, 14600 Minnetonka Blvd

Burwell Room, Minnetonka

Typically 2nd Tuesday every month, 5:00pm

Board Officers Workgroup

LMCD Office, 5341 Maywood Road, Ste 200, Mound

Typically 1st Wednesday of each month, 8:30 am

Nominating Committee (once per year)

TBD; Typically scheduled in Q4

LMCD Observed Holidays

Office Closed